

AN ABSTRACT OF THE THESIS OF

Justin Thomas Trudeau for the degree of Master of Arts in Interdisciplinary Studies in Speech Communication, Speech Communication, and English presented on December 2, 1998. Title: Theodore Dwight Weld's Use of the Judicial Motif in "American Slavery As It Is: Testimony of a Thousand Witnesses".

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Abstract approved: \_\_\_\_\_

Robert S. Iltis

This thesis examines the rhetoric of Theodore Dwight Weld's American Slavery As It Is: Testimony of a Thousand Witnesses. Published anonymously in 1839, Weld's publication became the longest antislavery tract in American history. It left its mark on the abolitionist movement itself and future antislavery literary works—most notably Uncle Tom's Cabin.

Despite its historical and rhetorical importance, Weld's text has been subjected to little critical exploration. This being the case, it is the goal of this study to find the dominant means of persuasion that Weld used to argue to antebellum northern audiences that slavery is evil and should be abolished.

Weld accomplishes this goal by using a judicial motif throughout his tract. In his text, Weld acts as prosecutor and asks his readers to act as jurors in judging the legitimacy of slavery in the United States. In doing so, Weld relies on evidence in the form of testimony and newspaper advertisements to prove his arguments.

I utilize the Hermagorian system of stasis to shed light on Weld's use of the judicial motif. This system points to four main questions, which represent the main stands of argument between a prosecutor and defense. The four main questions are the stases of conjecture, definition, quality, and objection.

Under the stasis of conjecture I show that Weld demonstrates that slavery results when individuals are motivated by absolute arbitrary power. Under the stasis of definition I argue that the South offered the justifications of "necessary evil" and "positive good" in linking their way of life to the institution of slavery. Weld rejects these justifications and establishes his own account of slavery to be a thirst for absolute power over others. In the third stasis of quality I show that Weld argues that human nature is against slavery and therefore, should be abolished. In the last stasis of objection I show that Weld answers the question of whether abolitionists are justified in condemning slavery.

Using The Hermagorian system of stasis shows that although each one is applicable to an analysis of Weld's tract, the stases of quality and objection are the most fruitful in establishing the effectiveness of Weld's rhetoric. By combining both emotion and logic for his jurors, Weld accomplishes his role as prosecutor in the case. Once his jurors act in accordance to the judicial motif as members of humanity and see the slaves in the same light, they are forced to bring back a just verdict of guilty because slavery is against the very essence of humanity itself.

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Theodore Dwight Weld's Use of the Judicial Motif in American Slavery As It Is:  
Testimony of a Thousand Witnesses.

By

Justin Thomas Trudeau

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I understand that my thesis will become part of the permanent collection of Oregon State University libraries. My signature below authorizes release of my thesis to any reader upon request.

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# **Theodore Dwight Weld's Use of the Judicial Motif in American Slavery As It Is: Testimony of a Thousand Witnesses**

## **Chapter I. Introduction and Methodology**

### Introduction

Few documentary records of life in the United States during its early history leave the reader feeling that they have been subjected to a blood bath. Upon reading Theodore Dwight Weld's American Slavery As It Is: Testimony of a Thousand Witnesses, James Thome wrote, "I have waded through the blood and gore of "Slavery as it is" and have just come out on the other side, all dripping, *dripping*" (Barnes and Dumond 2: 817). Thome's experience can be attributed to the powerful nature of Weld's text.

Published anonymously in 1839, Slavery As It Is provided a massive amount of evidence used to condemn the slave holding institution of the 19<sup>th</sup> century. According to Weld's biographer Robert Abzug, "Sometime in 1838, Theodore began to formulate the idea that the slaveholder might be hanged by his own words, that Southern newspapers and the testimony of those who had viewed slavery personally might provide the most telling case against bondage" (210). Weld's idea was spurred on by other abolitionists' request for such a text. In a letter written by Lydia Child to Weld, the author wrote, "I have often wished you could collect a variety of the instruments of torture used, and deposit them at the A.S. Office...I believe such a collection would do a vast deal of good" (Barnes and Dumond 2: 735). Together with his wife Angelina Grimké Weld and her sister Sarah Grimké, both leading abolitionists of their time, Weld undertook the task of obtaining the mountain of evidence used to indict slavery in Slavery As It Is.



Weld's tract consists of two hundred and ten pages of text. In the contents section of the work, Weld outlines his book in the following manner: introduction, personal narratives-part I, privations of the slaves, personal narratives-part II, punishments, tortures of slaves, personal narratives-part III, and objections considered (5).

To gather the atrocities published in southern sources, Weld purchased all newspapers held for one month in the New York Commercial Reading Room (Birney 258). Once these were gathered, the Grimké sisters would search for any printed word associated with the horrors of slavery. The sisters worked six hours a day for six months, searching through more than twenty thousand copies of southern newspapers (Abzug 210-11). Southern publications such as the "Vicksburg *Sentinel*, Huntsville *Democrat*, Memphis *Enquirer*, Montgomery *Advertiser*, Raleigh *Standard*, and Mobile *Register*, were searched for advertisements, speeches, court trials, and other evidence of the treatment of slaves"(Dumond 250). Weld used these newspaper accounts to expose the tremendous cruelties and lack of sentiment for slaves through the words of southern slaveholders. Slaveholders' own testimony provided "precedence over that of all other witnesses, for the reason that when men testify against *themselves* they are under no temptation to exaggerate" (Blassingame xxix). The use of factual evidence was viewed as of the utmost importance in the minds of the abolitionists. In a letter from the Streeters to Weld the authors asserted, "Such facts are *now* demanded... At an earlier period they would have frenzied the public mind without resulting in any thing beneficial to the slave... They will now serve as the needful and (I) (*sic*) may add the needed stimulus exciting to prompt and vigorous action (Barnes and Dumond 2: 733). Weld's use of factual testimony was not solely based on newspaper accounts.

To complement the Grimké sister's research work, Weld compiled a form letter requesting testimony from those who had lived in the South, visited the South, or were former members of slaveholding households in the South. In the letter Weld asked, "If you have ever witnessed cruelties inflicted on the slaves, or severe privations suffered by them, or if any abolitionists or others in your place to whose trustworthiness you can testify, have witnessed such enormities, and will furnish them, will you write out the facts, and immediately forward them by mail" (Barnes and Dumond 2: 718). In addition to his form letter, Weld urged other abolitionists to get the word out for information in his correspondence. In a letter written to Gerald Smith, Weld wrote:

The object of this note is to beg that you will *frequently*, during the meetings of the State society at Utica, call upon the Abolitionists present to hand in to *you* the names and post office addresses of all responsible persons who have lived at the south, males or females, abolitionists or not, who will probably be willing to give their testimony in reply to a variety of questions touching the condition of the slaves and the slaveholders. (Barnes and Dumond 2: 796).

The establishment of factual testimony and the inclusion of personal credibility were extremely important to Weld and his purpose in publishing the work. In his form letter he wrote, "The pamphlet will be filled mostly with the testimony of eye witnesses, with their names and residences... In this way the credence of millions will be secured who are now slow of heart to believe, and would never credit anonymous testimony" (Barnes and Dumond 2: 718). By establishing the name and history of each person's narrative, Weld increased the credibility of his text and its influence over his audience.

Upon its publication in 1839, Weld's Slavery As It Is sold 22,000 copies in four months and within a year sales reached 100,000 (Browne 277). During its day, the

publication became the largest antislavery tract in American history and left its mark on the abolitionist movement itself and future antislavery literary works.

The book became “the handbook of the abolitionist movement for more than a decade” (Sorin 67). Before works such as Slavery As It Is were published, abolitionists relied on oratory to get their message across. According to Gilbert Barnes, works such as Weld’s “embodied the whole antislavery doctrine” and “to a considerable extent they took the place of antislavery agents, especially in the areas already canvassed” (139). Wendell Phillips, another leading abolitionist, described the book as “that encyclopedia of facts and storehouse of arguments” (Ruchames 164). The “encyclopedia” was used by abolitionists to reach a new population of northerners who were ignorant of the atrocities of slavery festering in their own country.

According to Jane and William Pease, “Both white and black lecturers buttressed their analysis of slavery with shocking atrocity stories to rouse their audiences’ emotions...For most whites these stories came secondhand from compilations like Theodore Weld’s Slavery As It Is” (38). Indeed, abolitionists were almost expected to have the tract to defend their claims against slavery. Weld’s biographer Benjamin Thomas asserts, “No man who had not embraced antislavery principles should be without it, unless he was afraid of being convinced; and for an abolitionist to be without it, would be like a soldier refusing to use the ammunition provided for him” (171). Thomas illustrates the use of the book in white abolitionists’ oratory by providing an example. According to the author, one correspondent from the *Emancipator* would lecture about the horrors of slavery to his audience. Inevitably his audience wouldn’t believe him and he would pull out Weld’s text to give names, places, and dates from southern papers. The

man stated that, “This reply I have seen close up the mouth of the slaveholder as quick as though his jaws had been clamped with the lockjaw...at the same time he would change color, like a man who has taken an emetic” (172). The use of Weld’s text was not delegated to white abolitionists alone.

Frederick Douglass, the most famous black abolitionist, used Slavery As It Is in his oratory. In a speech entitled “American Slavery, American Religion, and the Free Church of Scotland: An Address Delivered in London, England on 22 May 1846,” Frederick Douglass twice referred to Weld’s text to defend his view that slavery was evil and must be abolished. At one point Douglass declared “Starvation, the bloody whip, the chain, the gag, the thumb-screw, cat-hauling, the cat-o’-nine tails, the dungeon, the bloodhound, are all in requisition to keep the slave his condition as a slave in the United States” (Blassingame 1: 275). To show the credibility of his statement Douglass said “If any man has a doubt upon it, I have here the “Testimony of a Thousand Witnesses,” which I can give at any length, all going to prove the truth of my statement” (Blassingame 1: 275). Later in the speech Douglass read a few laws of the slaveholding states to confirm the abysmal treatment of slaves from the words of lawmakers themselves. When a voice from the crowd asked what the name of the book was that Douglass was reading from he answered, “I read from American Slavery as it is: Testimony of a Thousand Witnesses...These are extracted from the slave laws... This publication has been before the public of the United States for the last seven years, and not a single fact or statement recorded therein has ever been called in question by a single slave holder...(Loud Cheers)...I read, therefore, with confidence” (Blassingame 1: 279). The importance of Weld’s text in oratory led to wider readership across the Atlantic.

Barnes writes, “in Great Britain, it had much the widest circulation of any of our antislavery literature... The British and Foreign Anti-Slavery Society put it in the hands of the principal officers of the government, deposited it in libraries, in colleges, etc...”

(264). According to Louis Filler, “He also prepared that full and valuable tract for the World’s Convention called, Slavery and the Internal Slave Trade in the United States, published in London, 1841” (45). The work’s influence can also be tracked to other literary sources.

Charles Dickens borrowed heavily from the text for American Notes and Harriet Beecher Stowe incorporated much information for Uncle Tom’s Cabin (Browne 277). According to Thomas, “When Charles Dickens published his American Notes in 1842, his chapter on slavery was taken almost entirely from Weld’s book, although the celebrated Englishman made no acknowledgment of his source” (172). Despite not acknowledging the source of his material, Dickens’ use of wanted ads shows the correlation to Weld’s text. Dickens wrote, “Ran away, a negro woman and two children... A few days before she went off, I burned her with a hot iron... tried to make the letter M” (Furnas 193). Ads such as this one can be linked almost verbatim to the hundreds of ads used by Weld in his book. In his text Weld offers an advertisement from the Raleigh *Standard* which reads, “Ranaway, a negro woman and two children; a few days before she went off, *I burnt her with a hot iron*, on the left side of her face, *I tried to make the letter M*” (77).

Stowe’s book is of particular importance because of its historical importance in the antislavery crusade. By the book’s first year, more than three hundred thousand copies had been sold in the US alone (Mott 117). The tremendous popularity of Uncle

Tom's Cabin created a literary backlash in the South. "Anti-Uncle Toms" such as Eastman's Aunt Phillis's Cabin; or Southern Life As It Is argued for the virtues of slavery and against abolitionist arguments (Mott 120). The title of this tract clearly reflects Weld's importance to the production of Uncle Tom's Cabin. In defending her earlier work, Harriet Beecher Stowe's A Key to Uncle Tom's Cabin identified twenty one citations from Weld's Slavery As It Is (Oliver 244). According to Thomas, "Later Mrs. Stowe told Angelina Weld that while writing Uncle Tom's Cabin she slept with Slavery As It Is under her pillow, and it is said that when she wrote Dred, A Tale of the Great Dismal Swamp, another but less influential antislavery novel, in 1856, she came to Weld for advice" (223). Besides its literary value and importance, Weld's text also marks a major tactical switch in the rhetorical strategies of the 19<sup>th</sup> century abolitionist movement.

From 1831 to 1835 most abolitionists thought they could emancipate slaves and heal the wounds of slavery in the North and the South through the rhetorical strategy of moral suasion. The American Anti-Slavery Society summarized this strategy in their Declaration of Sentiments which stated, "the destruction of error by the potency of truth--the overthrow of prejudice by the power of love--and the abolition of slavery by the spirit of repentance" (Sorin 56). Early practitioners of moral suasion sought to persuade southern slaveholders to repent their sins of slavery and free their slaves according to God's will. Moral suasion was also used to convert the indifferent to see that slavery was evil in the eyes of God. Gerald Sorin points out that, "Many abolitionists believed that by fighting for racial integration on moral ground they could attack the conscience of a complacent white majority and move it in the direction of abolition" (59-60). By 1836 many abolitionists saw that the rhetorical strategy of moral suasion was not working for

their cause and that their initial goals of immediate emancipation and brotherly love were unrealistic in both the North and South.

In 1837 the formidable abolitionist William Lloyd Garrison wrote, “Upon the slaveholding States, we make no perceptible impression...No opponent of slavery can tread upon their soil, as an abolitionist, without the risk of martyrdom...I have relinquished the expectation that they will ever, by mere moral suasion, consent to emancipate their victims” (Garrison 2: 183-4). The violent reaction to earlier rhetorical strategies forced the abolitionists to reformulate their reliance on moral suasion. The failure of moral suasion also forced them to abandon the hope of evangelizing to the South directly.

Instead of uniformly addressing the nation, many abolitionists turned to the North as the audience for the abolitionist message (Stewart 302). The new goal was to impress upon northerners that the South and its culture represented a threat to Yankee ideals and civil liberties. Abolitionists such as Weld had to come up with new rhetorical strategies to create a northern majority that would shout down southern resistance.

Before the publication of Slavery As It Is, Weld relied heavily on moral suasion as a rhetorical strategy. His speeches highlighted the glory of freedom and rarely did he stress the horrible condition of slaves in bondage. According to Abzug, this approach “functioned within a moral suasion argument-the hope was that through the ameliorative spirit of Christian love the South as well as the North would be converted to antislavery” (211-12). By 1838 it was clear to Weld that this type of strategy was failing the cause of abolitionism. Slavery As It Is marked a new strategy that increased slavery’s level of realism and horror for the northern audience.

Weld's goal was to condemn slaveholders from their own mouths. He accomplished this by using newspaper clippings and narratives, which exposed the brutality of slaveholders and their institution. Weld was even encouraged "to reject much testimony; and this not because the facts are not well authenticated but because those which are merely *horrid* must give place to those which are absolutely *diabolical*" (Browne 284). By representing slavery with the most diabolical examples, Weld created an encyclopedia of horrors. In showing the savage nature of slavery, Weld informed his audience of what was actually occurring in their own country. In retrospect of the text Catherine Birney wrote that Weld "thought the state of the abolitionist cause demanded a work which would not only prove by argument that slavery and cruelty were inseparable, but which would contain a mass of incontrovertible facts, that would exhibit the horrid brutality of the system" (Browne 284). By creating Slavery As It Is, Weld increased the tone of severity for the movement. The authenticity of testimony he deployed increased the level of respectability for his message and the movement.

Despite its historical and literary importance, Weld's text has been subjected to little critical exploration. In 1839, "The *New York American* wondered why so few political, literary, and even religious journals and periodicals had noticed the book" (Thomas 172). This same publication decried that if it was any other country's form of slavery then it would have received the widest notice, "But when the South struts menacingly before their vision, how many editors, even those of religious journals...have the courage of a kitten to cry *mew*?" (Thomas 172). Regrettably, contemporaneous treatment of the tract is just as sparse. According to Barnes, Slavery As It Is was published at a time when various antislavery leaders were at feud, and second hand



accounts have treated this controversy more substantially than publications produced at the time (263-4). Despite the lack of substantive critique, scholars have at least identified the importance of the text in context of the abolitionist movement.

In his book Antislavery, The Crusade For Freedom in America, Dwight Dumond describes Slavery As It Is as, “the greatest of the antislavery pamphlets; in all probability, the most crushing indictment of any institution ever written” (249). The author goes on to give the historical genesis of the work and a contextual summary of Weld’s writing. This summary, however in a chapter devoted to Slavery As It Is, is but one of many in Dumond’s treatment of the abolitionist movement as a whole, and does not reflect critical engagement of the work. This type of treatment is consistent across historical reviews of the work.<sup>1</sup>

The lack of academic critique is especially unfortunate for the student of rhetoric and public address because of the work’s importance in the abolitionist movement. Although both the tone and ultimate goal of Weld’s tract is persuasive in nature, rhetorical critics have neglected the work. The sole exception of this observation comes from Stephen Browne’s essay “‘Like Gory Spectres’: Representing Evil in Theodore Weld’s *American Slavery As It Is*.” In his essay, Browne treats the rhetoric of Weld’s tract according to its style, which he calls sentimentalism. Over the course of his essay the author defines sentimentalism, relates it to a discussion of class and reform, and then

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<sup>1</sup> For examples see: Gilbert Barnes, The Antislavery Impulse 1830-1844 (New York: Harcourt, Brace, World, 1964) 139., J.C. Furnas, Goodbye to Uncle Tom (New York: William Sloane, 1956) 24., Aileen Kraditor, Means and Ends in American Abolitionism (New York: American Book-Stratford Press, 1967) 33., Robert Oliver, History of Public Speaking in America (Boston: Allyn and Bacon, 1965) 244., Jane Pease, and William Pease, eds., The Antislavery Argument (New York: Bobbs-Merrill, 1965) 94., Louis Ruchames, The Abolitionists: A Collection of Their Writings (New York: G.P. Putnam’s Sons, 1963) 164., Gerald Sorin, Abolitionism: A New Perspective (New York: Praeser, 1972) 49, 67.

illustrates its use in Weld's book (278). Browne argues that the sentimental style is directly linked to the emotive response it wishes to evoke. The author states, "The range of appropriate responses is usually limited to familiar emotions linked vicariously with sorrow, pity, sympathy, nostalgia, and the diminutives" (278). According to Browne, Weld used the sentimental style to capture the moral commitment of his audience while at the same time allowing class identity within the economic structure of the United States. Browne argues that Weld's audience was allowed to show their moral indignation towards the southern institution without risking the benefits of capitalism that they enjoyed at home.

Although Browne's essay offers an excellent portrayal of Weld's text in terms of its rhetorical representation and style, it is but one exploration of the rhetorical significance of Slavery As It Is. Other avenues of research need to be explored. It is the goal of this study to explore Weld's text as a significant form of rhetoric during the 19<sup>th</sup> century. According to Aristotle, rhetoric is "the faculty of observing in any given case the available means of persuasion" (24). Working from this definition, this study explores the means of persuasion that Weld used in producing Slavery As It Is. This thesis attempts to shed light on the rhetorical tools used by Weld in persuading his audience that slavery was evil and should be abolished. To accomplish this goal, I use the general method of rhetorical criticism to show how effectively Slavery As It Is accomplished its persuasive purpose.

By "the general method of rhetorical criticism" I mean an analysis of the rhetor's message in terms of its persuasive impact on the audience addressed. As a rhetorical critic, I look for the most influential discourse tools used by a rhetor in framing their

discourse towards an audience. In the case of Weld and his text, the most obvious and influential rhetorical tool utilized is the use of judicial language, which he uses as the dominant motif of the work.

### Methodology

From the outset of American Slavery As It Is, Theodore Dwight Weld uses judicial language to establish the trial as the motif dominant within his text. In the opening line of the introduction he asserts, “Reader, you are empannelled as a juror to try a plain case and bring in an honest verdict” (7). The author’s goal is to persuade his readers to act as jurors in a trial and bring in a verdict of guilty that will abolish slavery in the United States. To accomplish this goal, Weld makes the case for slavery’s abolishment by acting as prosecutor in constructing Slavery As It Is.

According to Weld, the most salient question regarding slavery is, “What is the actual condition of the slaves in the United States...A plainer case never went to a jury” (7). Over the course of his text, Weld answers this question by addressing the atrocious nature of slavery and the deplorable conditions of human beings in bondage. He relates to his audience and challenges them by stating, “You have a wife, or a husband, a child, a father, a mother, a brother or a sister--make the case your own, make it theirs, and bring in your verdict” (7). That Weld calls for a verdict indicates the extent to which judicial language frames the perceptions of Weld’s readers. While complete analysis of this language will be performed later in this study, a preview of this language points a way for the methodology I will deploy.

Judicial language dominates Weld’s treatment of the credibility of witnesses. For example, Weld uses testimonials of other esteemed citizens to corroborate the character

of his witnesses. To establish the credibility of Nehemiah Caulkins, Weld uses eleven people as testimony to Caulkins' credence. Elisha Beckwith, a Justice of the Peace, asserts, "This may certify that Nehemiah Caulkins, of Waterford, lives near me, and I always esteemed him, and believe him to be a man of truth and veracity" (10). Elsewhere he verifies a witness character in his own words. For instance, to establish the credibility of Rev. Horace Moulton, Weld writes, "Mr. Moulton is an esteemed minister of the Methodist Episcopal Church, in Marlborough, Mass...He spent five years in Georgia, between 1817 and 1824...The following communication has been recently received from him" (17). Weld painstakingly provides the facts of his witnesses' lives to show the soundness of the evidence offered. The narratives are used as expert testimony to persuade the readers as jurors to corroborate the evidence provided in eyewitness accounts. The establishment of evidence as fact is an essential part of a trial and Weld continually addresses this in his text.

In using newspaper accounts as evidence Weld notes, "In the column under the word "witnesses," will be found the name of the individual, who signs the advertisement, or for whom it is signed, with his or her place of residence, and the name and date of the paper, in which it appeared, and generally the name of the place where it is published" (62). By carefully documenting sources in his text, Weld further establishes the credibility of the sources he uses to condemn slavery. This strategy also furthers the persuasive message to his readers to accept the evidence as factual testimony in this trial.

Besides the use of credibility, Weld uses explicit judicial language in his quest to condemn slavery. In the objection section of his work Weld asserts, "Slaveholders are on trial, charged with cruel treatment to their slaves, and though in their own courts they can

clear themselves by their own oaths, they need not think to do it at the bar of the world” (121). In this assertion, Weld asks his readers to do what the American judicial system refuses to do: put the system of slavery on trial and bring back the just verdict of guilty. In this same section Weld provides this verdict for his audience by writing, “Finally, since slaveholders have deliberately legalized the perpetration of the most cold-blooded atrocities upon their slaves, and do pertinaciously refuse to make these atrocities illegal, and to punish those who perpetrate them, they stand convicted before the world, upon their own testimony, of the most barbarous, brutal, and habitual inhumanity” (151). In writing passages such as this one, Weld continuously puts his readers in a courtroom setting and asks them to act as jurors; citizens willing to do something about the problem of slavery.

Weld concludes his work in the same type of judicial language. He writes, “Having drawn out this topic to so great a length, we waive all comments, and only say to the reader, in conclusion, *ponder these things*, and lay it to heart, that slaveholding “is justified of her children”” (210). In writing this, Weld acts as a prosecutor giving his closing statements. He has presented all of the evidence and asks the reader to deliberate over the information. If the reader does so, believing the arguments offered by Weld, then there can be only one true verdict: the reader must find the institution of slavery guilty as charged.

The use of judicial language in Weld’s text creates a necessary line of inquiry for rhetorical criticism. Weld’s dominant usage of judicial language imposes the need for a methodology that enables understanding of judicial case building and judicial evidence. Since its inception, rhetoric has addressed the use of persuasive language in courtrooms.

Forensic oratory, after all, is one of three types that Aristotle treats in the Rhetoric. (Deliberative and epideictic are the others.) The most developed system of judicial analysis and critique in the ancient world is the theory of stasis.

Hermagoras of Temnos, who lived about the middle of the second century B.C., first developed the system that will be the methodology for this study. Hermagoras was the first major educator of the Roman schools of rhetoric. His work is lost to us, but it has been passed down in the works of Cicero and Quintillian. His most major and lasting contribution is the systematic treatment of stasis in forensic argument. Hermagoras, “provided an exceedingly systematic approach, and this was clearly the source of his influence for several hundred years” (Kennedy 320). The influence of stasis theory can be traced in an even greater time line. According to Conley, “Stasis theory also survived, and, indeed, dominated, in the Greek tradition that runs down through to the end of the Byzantine Empire in the fifteenth century” (33). The Hermagorian theory of stasis is especially appropriate for this study because it is central to the development of our rhetorical understanding of cases and evidence in forensic argument. Stasis theory provides tools for analyzing Weld’s deployment of the judicial motif in his attack on slavery. I provide a full discussion of the most relevant features of stasis theory for this study in my next chapter. It is important here, however, to provide an overview of the theory in order to show why it fits as a methodology.

Hermagoras himself did not coin the term “stasis,” and his concepts have appeared in other forms such as *status* or *constitutio*. Stasis comes from the Latin terms *statuo* and *sisto*, which translated mean, “the stand of the argument” (Howell 39). Stasis is the crucial point at issue within an argumentative case.

Hermagoras addressed two types of phenomena in his system. The first were general questions, or theses, which were defined as, “a matter involving a controversy conducted by a speech without the introduction of definite individuals” (Cicero, De Inventione 17). These general questions did not attempt to function within any particular field, but on a broad range in any type of setting. Examples of such questions would be “Should a person marry?” or “How large is the sun?” Under Hermagoras’ instruction, a student would use a general question to hone his rhetorical skill in picking the right argument for the right situation.

The second type of argumentative phenomena addressed by Hermagoras were special cases, or hypotheses, which were defined as matters “involving a controversy conducted by a speech with the introduction of definite individuals” (Cicero, De Inventione 17). An example of a special case would be the question “Should Cato marry?” It was also under this category that judicial questions such as “Did Cato kill the shopkeeper?” were presented. Under the category of hypotheses, Hermagoras divided four separate stases of forensic argument, which include conjecture of fact, definition, quality, and objection.

In determining the stasis of a judicial speech, Hermagoras first addressed the charge of the prosecutor, which defined the cause of action (Kennedy, History 98). Next, the denial of the defendant was issued, which created the containment of the issue and generated the basic conflict of the suit (Kennedy, History 98). In any case it was argued that the defendant follow all four stases to focus the stasis of the case. If the defendant could not address the stasis of fact, they were to use definition, followed by quality, and

finally objection. The defendant followed the four stases as a process of elimination to contain the issue.

Hermagoras covered each of the four stases in detail, and subdivisions were made in each conflict. The first stasis is conjecture about a fact (Kennedy 307). Within this category the main question arises, “Is it?” In forensic argument, this may be seen within the accusation and denial between two parties in a suit. The main question within this stasis is whether or not something has actually taken place.

In stasis of fact it is necessary for the prosecutor to include “persons, causes, and intent” (Quintillian 3: 63). In the area of intent, it was necessary for the prosecutor to show the impulse or premeditation of the defendant (Cicero, *De Inventione* 181). Cicero lists the topics of inference within this category as name, nature, way of life, fortune, habits, zeal, and purpose (Kennedy, *History* 99).

The name of the accused may be significant in the case because of its correlation with goodness or evil. Nature describes the educational background and physical appearance of the person accused. The defendant may suggest that they were unable to commit an act because they were physically weaker than the person accusing them of assault. Way of life paints the picture of the defendant’s personal habits and way of conducting themselves. A prosecutor might point out that the accused has always lived in an isolated state and therefore must be more dangerous compared to a person active and sociable in their community. Fortune of the defendant is established in terms of their status within society, whether or not they are rich or poor, free or slave. A defendant may argue that they have acquired a tremendous amount of wealth and therefore have no need to steal from someone accusing them of the crime. Habit refers to a person’s acquisition



of knowledge in a particular field or art. Zeal is the consideration of feelings or emotions such as hate, love, or jealousy, which can describe the force acting on the defendant. Finally, purpose is used to show the reason for doing something or not doing it (Cicero, De Inventione 71-75). If the stasis of conjecture was not suited for the defense, the flow of argument would move onto the second stasis.

The second stasis of argument is definition (Kennedy 308). The main question presented here is “What is it?” According to Quintillian, “Definition is the statement of the fact called in question in appropriate, clear and concise language” (3: 85). Accordingly, it is the responsibility of the prosecution to first offer a definition that is applicable to the act under question. Next, the prosecution must show a connection between the definition offered and the act that was committed. Finally, the prosecution should focus the definition upon the deplorable nature of the act committed and the character of the accused (Cicero, De Inventione 215-7). To create clash, the defendant should reject the definition offered by the prosecution by showing why the definition does not apply to the act committed. Cicero also offered, “(a) common topic available for the defendant is one in which he expresses his indignation that the prosecutor attempts to put him in jeopardy not only by distorting facts but even by altering the meaning of the language (De Inventione 219). The defendant may also give a different definition in showing the honorable nature of the act committed. Instead of saying something was stolen, a defendant may argue that they were merely borrowing. To combat a charge of murder, a defense may offer a definition of manslaughter. If the defendant cannot create clash in the stasis of conjecture or definition, then the third stasis is addressed.

The third stasis is one of quality (Kennedy 308). The question arises “What is its nature?” The stasis of quality assumes that something has been done, has a definition, but has mitigating circumstances regarding the act. A judicial argument between a prosecution and a defense would clash over the importance, justice, or other types of circumstances surrounding the event that has occurred.

Of all the stases of forensic argument, Quintillian wrote, “The question of *quality* therefore makes the highest demands on the resources of oratory, since it affords the utmost scope for a display of talent on either side, while there is no topic in which the emotional appeal is so effective” (3: 119-21). Cicero divided the stasis of quality into two parts: equitable and legal (Cicero, De Inventione 31). The legal is defined as, “that in which we examine what the law is according to the custom of the community and according to justice” (Cicero, De Inventione 31). The equitable addresses the matter of justice and is further divided into two parts.

The first is the absolute, which contains the question of right or wrong done. Within this category the issue of justice is contained and debated upon. The second is the assumptive, which seeks a defense following one of four extraneous circumstances (Cicero, De Inventione 31).

The first of such circumstances was *concessio*, which means confession and avoidance (Cicero, De Inventione 31). A defendant might argue that they were ignorant of the state’s laws since they were just traveling through and therefore should be forgiven based on their lack of knowledge. The second was *remotio criminis*, or shifting of the charge (Cicero, De Inventione 31). The defendant may admit that they were at the scene of the crime, but that someone else had actually committed it. The third is *relatio*

*criminis*, or retort of the accusation (Cicero, De Inventione 31). This retort is used when a defendant argues that the act was done lawfully because someone had provoked them first. Someone might admit that they committed murder but say that it was in defense of their own life. The final category was *compartio*, or comparison between the two acts (Cicero, De Inventione 31). Here, a defendant claims that some advantage resulted or the act prevented something worse from happening. A defendant might show that they were putting out a fire while committing the act of trespassing.

The final stasis of argument is objection (Kennedy 308). The question presents itself as, “Is this the proper procedure?” O. A. L. Dieter writes, “In Stasis IV, the subjects *Being*, *Quantity*, and *Quality* are admitted or waived; its *Being-in-Place* only is ‘not allowed to pass,’ but ‘re-turned’ and ‘hurled back’” (358). Here, the clash is over time and place of the argument itself. The defendant essentially asserts that, “It is *not in Place for you* to take this action, or to bring this charge *at this time*, or *in this court*, or *in this matter*, etc” (358). In a forensic argument a person accused may argue that the prosecution has no right to prosecute, the court has no right to hear the case, or objects to the legal process in general. Of all four stases, Hermagoras treated objection the most lightly, and it was probably seen as a last ditch effort for the accused to defend themselves. Today, the stasis of objection is a commonly used argument to attack the credibility of the prosecution.

Besides the four categories of stasis, Hermagoras presented four legal questions. The first was word of intent, which followed whether or not a law should be interpreted literally or in accordance to the original intentions of the framers of the law (Kennedy, History 100). The right to bear arms is one such topic where one side argues that the

original framers of the Constitution did not intend for this passage to include semi-automatic weapons. The second involves two laws that directly contrast one another (Kennedy, History 100). An example would be that despite the Bill of Rights, segregationist laws were still widespread in the South during the 1950's and 1960's. The third is when the law is ambiguous, and the fourth is when there is no law and the orator has to go upon the similarities of related laws to the issue (Kennedy, History 100). The four types of stases and legal questions make up the faculty of Hermagoras' contribution to invention in judicial oratory.

In applying the methodology outlined in this section, I will be paying particular attention to Weld's role as prosecutor in Slavery As It Is. According to Quintillian, "The accuser likewise has four things which he must keep in mind: he must prove that something was done, that a particular act was done, that it was wrongly done, and that he brings his charge according to law" (Braet 84). All four of the stases are seen in terms of the burden of proof held by the prosecutor in presenting the affirmative case. This being the case, I am interested in analyzing the four stases in terms of Weld's burden of proof in constructing his affirmative case. It is to this task that I turn in the next chapter of this study.

## Chapter II. Stases of Conjecture and Definition

### Stasis of Conjecture

As has already been shown, the Hermagorian theory of stasis represents a four-fold burden of proof for a prosecutor in any given case. It is therefore necessary to follow Weld's burden step by step as it can be traced within Slavery As It Is. For the sake of analytical consistency, I will be utilizing Cicero's Rhetorica Ad Herennium to analyze the first three stases in the Hermagorian system. The first stasis is one of conjecture, which asks the question, "Is it?" In the Rhetorica Ad Herennium, Cicero divides the scheme of the conjectural stasis into six divisions: probability, comparison, sign, presumptive proof, subsequent behavior, and confirmatory proof (63). It is to these divisions that I turn to analyze Weld's text.

Under the category of probability Cicero writes, "one proves that the crime was profitable to the defendant, and that he has never abstained from this kind of foul practice" (Rhetorica 63). To exploit a defendant's probable action, the prosecutor must exploit their motive and manner of life.

The motive is the reason why the defendant feels it necessary to commit a crime through gaining some type of advantage or avoiding some type of disadvantage. Cicero notes, "The question is: Did he seek some benefit from the crime—honour, money, or power?" (Rhetorica 63). In establishing the motive of slaveholders to commit human slavery, Weld addresses the role of power in treating human beings as chattel. Weld

notes, “True, it is incredible that men should treat as *chattels* those whom they truly regard as *human beings*; but that they should treat as chattels and working animals those whom they *regard* as such is no marvel” (110). Weld points out to his readers that because slaveholders regard slaves as less than human beings, the motive of arbitrary power is attributable to those practicing slaveholding in the South. Weld asserts, “That American slaveholders possess a power over their slaves which is virtually absolute, none will deny... That they desire this absolute power, is shown from the fact of their holding and exercising it, and making laws to confirm and enlarge it” (116). By recognizing the abuse of absolute power over human beings, Weld firmly establishes one motive of slaveholders to perpetuate the institution of slavery.

The next issue under the category of probability is the defendant’s manner of life. According to Cicero, “First the prosecutor will consider whether the accused has ever committed a similar offence” (*Rhetorica* 65). Next, if the prosecutor can show that the defendant has committed a similar offence, “he will thus be able to link the flaw in the defendant’s character with the motive of the crime” (*Rhetorica* 65). Weld illustrates this point by linking southern slaveholders’ thirst for arbitrary power with past abuses in other slaveholding cultures. He sets up his argument by stating, “Despots always insist that they are merciful... The greatest tyrants that ever dripped with blood have assumed the titles of “most gracious,” “most clement,” “most merciful,” &c., and have ordered their crouching vassals to accost them thus” (8). After asserting this passage Weld compares southern declarations of treating their slaves kindly with past examples. Weld writes, “Human nature works out in slaveholders as it does in other men, and in American slaveholders just as in English, French, Turkish, Algerian, Roman and Grecian” (8). To

illustrate this point Weld notes, “The Spartans boasted of their kindness to their slaves, while they whipped them to death by thousands at the altars of their gods” (8). By linking the abuse of arbitrary power in southern slaveholders to past cultures, Weld shows that the manner of life perpetuated by slavery creates a motive of absolute power that perpetuates the crime of slavery.

Weld compares the need to deny the thirst for arbitrary power with other guilty parties. He writes, “The guilty, according to their own showing, are always innocent, and cowards brave, and drunkards sober, and harlots chaste, and pickpockets honest to a fault...Everybody understands this” (8). By relating the dishonesty of slaveholders to the common sense of his audience, Weld asserts that we should expect nothing less than absolute dishonesty from slaveholders in explaining their manner of life and motive.

The second division outlined by Cicero is one of comparison. The orator writes, “Comparison is used when the prosecutor shows that the act charged by him against his adversary had benefited no one but the defendant” (Rhetorica 67). To argue that the system of slavery benefits no one but slaveholders Weld writes:

Whatever is the master’s gain is the slave’s loss, a loss wrested from him by the master, for the express purpose of making it *his own gain*; this is the master’s constant employment—forcing the slave to toil—violently wringing from him all he has and all he gets, and using it as his own;--like the vile bird that never builds its nest from materials of its own gathering, but either drives other birds from their and takes possession of them, or tears them in pieces to get the means of constructing their own (109).

Through the use of this comparison, Weld seeks to prove that despite protests that slaves benefit from slavery, it is truly only the slaveholders that prosper from human bondage.

The third division outlined by Cicero is sign. He further sub-divided this category into six divisions: the place, the point of time, the duration of time, the occasion, the hope

for success, and the hope of escaping detection (Rhetorica 67). The place and point of time determine the setting of the act committed. Cicero addresses these points by asking, “A sacred place or profane, public or private?” and “In what season of the year, what part of the day—whether at night or in the daytime?” (Rhetorica 67-9). Weld shows the nature of the place and point of time in slavery by writing, “We shall show, not merely that such deeds are committed, but that they are frequent; not done in corners, but before the sun; not in one of the slave states, but in all of them” (9). By showing the place and point of time of slavery, Weld illustrates the audacious nature of slavery and its openly common atrocities seen before God and the world.

The duration of time asks whether or not it was long enough to carry the act through (Rhetorica 69). The occasion asks whether or not it was favorable for the defendant to commit the act (Rhetorica 69). Both of these points are upheld in Weld’s burden of proof because of the existence of slavery as an institution, making it unnecessary to prove individual events of a particular situation.

Under the heading hope for success Cicero writes, “Especially, do power, money, good judgement, foreknowledge, and preparedness appear on one side, and is it proved that on the other there were weakness, need, stupidity, lack of foresight, and unpreparedness” (Rhetorica 69). To address the slaveholders’ hope for success, Weld uses commonly held objections asserted by slaveholders in denouncing abolitionist rhetoric. Weld writes:

As slaveholders and their apologists are volunteer witnesses in their own cause, and are flooding the world with testimony that their slaves are kindly treated; that they are well fed, well clothed, well housed, well lodged, moderately worked, and bountifully provided with all things needful for their comfort, we propose—first, to disprove their assertions by the testimony of a multitude of impartial witnesses, and then to put



slaveholders themselves through a course of cross—questioning which shall draw their condemnation out of their own mouths... We will prove that the slaves in the United States are treated with barbarous inhumanity (9).

By asserting the objections that slaveholders use in refuting abolitionist cries for emancipation, Weld recognizes that slaveholders hope to succeed by providing that their slaves are kindly treated. Later in his text, Weld devotes an entire section to a total of seven objections commonly held by slaveholders. In the fourth chapter I analyze the objections under the fourth stasis, which makes complete analysis here unnecessary. However, the devotion of an entire section of his work to the objections of slaveholders shows that Weld found it necessary to address the means by which slaveholders hoped to succeed in perpetuating their system.

The final heading under sign is hope for escaping detection. Under this category Cicero writes, “What Hope there was of Escaping Detection we seek to learn from confidants, eye-witnesses, or accomplices, freemen or slaves or both” (*Rhetorica* 69). To establish this burden, Weld uses testimony from former southerners to shed light on the actual condition of slaves living under the institution of slavery. In a narrative provided by William Leftwich, a native of Virginia, the author wrote, “I have lived in Alabama, Tennessee, and Kentucky; and I *know* the condition of the slaves to be that of unmixed wretchedness and degradation and on the part of the slaveholders, there is cruelty untold” (Weld 49). It is passages such as this one that show Weld’s usage of testimony to shed light upon slaveholders’ reluctance in providing the actual condition of slaves.

Weld also realized that slaveholders would hope to escape detection by labeling narratives such as the one stated above as illegitimate. Weld writes:

We know, full well, the outcry that will be made by multitudes, at these declarations; the multiform cavils, the flat denials, the charges of “exaggeration” and “falsehood” so often bandied, the sneers of affected contempt at the credulity that can believe such things, and the rage and imprecations against those who give them currency... We know, too, the threadbare sophistries by which slaveholders and their apologists seek to evade such testimony. (9).

Recognizing this, Weld made it the utmost importance to establish the credibility of his witnesses. For every narrative asserted, Weld provides the geographical history of that person in regards to their relationship towards the South, their address, and testimony of their credence established by people who have known them. Weld even goes so far as to provide declarations from citizens who will speak for the honesty of the original witness. By painstakingly including all of these facts, Weld hopes to address any questions regarding the credibility of his witnesses. He also hopes to destroy the smokescreen that slaveholders use in their hope for escaping detection.

The fourth division outlined by Cicero is the presumptive proof. According to Cicero, “Through Presumptive Proof guilt is demonstrated by means of indications that increase certainty and strengthen suspicion” (*Rhetorica* 71). This proof falls into three periods: preceding the crime, contemporaneous of the crime, following the crime” (*Rhetorica* 71). Since Weld was prosecuting the institution of slavery as a whole and not an individual act, presumptive proof is not applicable to the analysis here.

The fifth division outlined by Cicero is subsequent behavior. Of this division Cicero writes that the prosecutor should attempt to show that the defendant faltered or became uncomfortable when accused of a crime. If this is not possible, “the prosecutor will say his adversary had even so far in advance calculated what would actually happen to him that he stood his ground and replied with the greatest self assurance—signs of

audacity, and not of innocence” (*Rhetorica* 73). Weld uses this tactic to show the audacious nature of slaveholders’ attitudes towards their crimes. In a story furnished by Horace Nye, the author tells the story of a man staying in a home while traveling in Virginia. While there, the man witnessed a woman accusing a slave of breaking something in her kitchen. As punishment, the woman’s husband tied the slave to a tree and whipped her until there was a pool of blood beneath her. Weld recorded his response by writing, “He then turned to my informant and said “Well, Yankee, what do you think of that?”” (66). By showing subsequent behaviors such as this one, Weld shows the extent of malicious attitudes prevalent in the South. He also persuades his northern audience by showing how southern attitudes’ are antagonistic to more liberal beliefs held by other free state citizens.

Another way Weld shows the audacious nature of slaveholder’s attitudes towards their crimes is to print actual advertisements used by slaveholders in looking for runaways. One advertisement from the *Mobile Register* reads, “One hundred dollars reward for a negro fellow Pompey, 40 years old, he is *branded* on the *left jaw*” (Weld 77). Another advertisement from the in the New Orleans *Bee* states, “Ranaway a negro woman named Rachel, has *lost all her toes* except the large one” (Weld 77). The *Fayetteville Observer* reports, “Stolen a mulatto boy, *ten* years old, he has a *scar* over his eye which was made by an axe” (Weld 79). In printing newspaper advertisements such as these, Weld seeks to show that the amount of hubris held by slaveholders is so great that they openly advertise the atrocities suffered by the slaves. These advertisements are used to prove that slaveholders are so audacious in regards to their crime, that they

openly admit to branding, mutilating, and scarring their victims whom they regard as property.

The final division of the conjecture stasis outlined by Cicero is the confirmatory proof. Within this division Cicero states that there are both special and common topics. Special topics are ones that can only be used by a prosecution or a defense. Common topics can be used by both parties depending upon the forensic case. According to Cicero, “In a conjectural cause the prosecutor uses a special topic when he says that wicked men ought not to be pitied, and expatiates upon the atrocity of the crime” (Rhetorica 73-5). To expatiate the crime of slavery, Weld points out that it is not only slaveholders who are to blame for the existence of slavery in the United States. A narrative provided by Nehemiah Caulkins shows the extent to which Weld tries to show whom is at fault for slavery’s perpetuity. In his narrative Caulkins wrote:

Our government stands first chargeable for allowing slavery to exist, under its own jurisdiction... Second, the states for enacting laws to secure their victim... Third, the slaveholder for carrying out such enactments, in horrid form enough to chill the blood... Fourth, every person who knows what slavery is, and does not raise his voice against this crying sin, but by silence gives consent to its continuance, is chargeable with guilt in the sight of God. (Weld 17)

By providing denunciations such as this one, Weld asserts that no one is worthy of pity when it comes to ignoring the plight of slaves in the United States.

Two common topics addressed by Cicero that either the prosecution or the defense could use were to speak for or against witnesses (Rhetorica 75). In speaking for witnesses Cicero divided two categories: authority and manner of life of the witnesses and the consistency of their evidence (Rhetorica 75). To show the outstanding nature of his witnesses’ authority and manner of life, Weld provides the personal background and

relationship towards the South for each of his witnesses' testimony. To provide the credence of Rev. Francis Hawley, who lived in the slave states for fourteen years, Weld wrote, "His character and standing with his own denomination at the South, may be inferred from the fact, that the Baptist State Convention of North Carolina appointed him, a few years since, their general agent to visit the Baptist churches within their bounds" (94). By showing that one of his witnesses was a clergyman from the South, Weld furthers the credibility of his eyewitness accounts by showing their authority and way of life. To set up the testimony of William Poe, Weld writes, "Mr. Poe is a native of Richmond, Virginia, and was formerly a slaveholder...He was for several years a merchant in Richmond, and subsequently in Lynchburg, Virginia...A few years since, he emancipated his slaves, and removed to Hamilton County, Ohio, near Cincinnati; where he is a highly respected ruling elder in the Presbyterian church" (26). By documenting the geographical history of Poe and others in his text, Weld seeks to show that the authority and manner of life lived by his witnesses provides an excellent source of information on the subject of slavery. Besides addressing the credibility of persons by name in his text, Weld also seeks to explain the usage of anonymous testimony. To set up one letter Weld writes:

The following is an extract of a letter from two professional gentlemen and their wives, who have lived for some years in a small village in one of the slave states... They are all personas of the highest respectability, and are well known in at least one of the New England states... Their names are with the Executive Committee of the American Anti-Slavery Society; but as the individuals would doubtless be murdered by the slaveholders, if they were published, the Committee feel sacredly bound to withhold them... The letter was addressed to a respected clergyman in New England (100).

By addressing the anonymous testimony using this type of language, Weld seeks to maintain that the narrative is still credible due to the authority of the authors who have written it. It also speaks to the dangerous nature in which the narrators risked their own lives by denouncing slavery. By systematically providing each narrator's credibility in terms of their relationship towards the South, Weld provides that the authority and manner of life of each of his witnesses is a positive one. The second common topic for witnesses according to Cicero is the consistency of their evidence. To provide this, Weld utilized personal narratives from over twenty individuals, all speaking about the atrocities of slavery and the need to abolish the institution.

The six divisions of the stasis of conjecture represent the breadth of the first stasis in the Hermagorian system. Clearly, Weld upholds this first burden of proof in presenting his role as prosecutor towards his audience. He does this not only by showing that slavery exists, but also showing the atrocious extent and the audacious nature by which it flourished. Now that the stasis of conjecture is shown to be proven by Weld, the second stasis is addressed in its relationship towards Weld's burden of proof.

### Stasis of Definition

The second stasis is one of definition, which asks the question, "What is it?" Cicero writes, "When we deal with the Issue of Definition, we shall first briefly define the term in question" (Rhetorica 87). The stasis of definition can be seen in terms of both Weld's accounts and other contemporaneous positions held by southern slaveholders. In a book entitled Cotton is King, which was originally published in 1860, editor E.N. Elliott writes of slavery that, "The true definition of the term, as applicable to the

domestic institution in the Southern States, is as follows: Slavery is the duty and obligation of the slave to labor for the mutual benefit of both master and slave, under a warrant to the slave of protection, and a comfortable subsistence, under all circumstances” (7). Instead of using the term “slavery”, Elliott observes that the term is better defined as “Warranteeism” (7). The definition offered above contrasts sharply with the one deployed in Weld’s text. The most common definition employed by Weld and his witnesses is to identify slaves as human chattel, property of slaveholders with as little rights as that of farm animals. Weld writes, “The whole vocabulary of slaveholders, their laws, their usages, and their entire treatment of their slaves fully establish this... The same terms are applied to slaves that are given to cattle... They are called “stock””(110). Not only does Weld assert the competing interpretation of the term slavery; he connects how people are treated according to this definition. In a narrative provided by Rev. Doctor Reed, the author writes:

I was told confidently and from *excellent authority*, that recently at a meeting of planters in South Carolina, the question was seriously discussed whether the slave is more profitable to the owner, if well fed, well clothed and worked lightly, or if made the most of *at once*, and exhausted in some eight years... The decision was in favor of the last alternative... That decision will perhaps make many shudder... But to my mind this is not the chief evil... The greater and original evil is considering the *slave as property*... If he is only property and my property, then I have some right to ask how I may make that property *most available*. (Weld 39)

Inherent within both of these definitions are the motives addressed by slaveholders and Weld’s establishment of the arbitrary power argument. It is therefore necessary to examine the stasis of definition in relation to the motives offered by slaveholders and that of Weld’s text.

During the time of Weld's text, two main motives were used by southern slaveholders in explaining why their institution existed. The first is the "necessary evil" argument. Kenneth Stampp writes, "Antebellum Southerners attached considerable significance to, and found considerable solace in, the fact that they had not invented human bondage" (14). According to this view it was not the fault of a slaveholder to perpetuate slavery because it was actually forced upon them. The institution became a necessary evil because slaveholders had no choice but to perpetuate the institution--doing otherwise would lead to certain disaster. In his "Speech on the Reception of Abolition Papers," which he gave in the Senate on February 6, 1837, John C. Calhoun asserted, "Be it good or bad, it (slavery) has grown up with our society and institutions, and is so interwoven with them, that to destroy it would be to destroy us as a people" (12). E.N. Elliott echoes this sentiment when he writes, "Our fathers left it to us as a legacy, we have grown up with it; it has grown with our growth, and strengthened with our strength, until it is now incorporated with every fiber of our social and political existence" (9). By aligning slavery with the cultural identity of the South itself, the necessary evil argument became a rhetorical strategy of slaveholders trying to justify their institution and more importantly, way of life.

Another rhetorical strategy used by slaveholders defending slavery was the positive good argument. The historian Eric L. McKittrick writes of John C. Calhoun that, "Although the South Carolina statesman did not write as extensively or systematically on slavery as did some of those who came after him, he was one of the earliest exponents of the "positive good" attitude which dominated the pro-slavery argument from the mid—1840s on" (6). John C. Calhoun exemplifies the transition from the necessary evil



argument to that of positive good as he addressed the Senate of 1837: “But let me not be understood as admitting, even by implication, that the existing relations between the two races in the slaveholding States is an evil:--far otherwise; I hold it to be a good” (12). To provide a reason for this claim Calhoun announced, “Never before has the black race of Central Africa, from the dawn of history to the present day, attained a condition so civilized and so improved, not only physically, but morally and intellectually” (13). The appeal to Christian evangelism was a common tactic in establishing the positive good of slavery. E.N. Elliott writes, “They (slaveholders) had received from Africa a few hundred thousand pagan savages, and had developed them into millions of civilized Christians, happy in themselves, and useful to the world” (8-9). By providing slaves an introduction to white culture and Christian theology, slaveholders made the assertion that the slaves in America were indeed better off than the free citizens of Africa itself. Elliot writes, “The most encouraging results have already been achieved by American slavery, in the elevation of the negro race in our midst; as they are now as far superior to the natives of Africa, as the whites are to them” (13). Using this logic, slaveholders tried to establish the positive good of slavery in explaining why it was necessary to maintain slavery to improve Africans’ cultural and moral existence. In developing both the necessary evil and positive good arguments, southern slaveholders articulated the motive for perpetuating the system of slavery. They also provide their side of the stasis of definition by asserting what the institution of slavery should be called and debated upon.

Of course, this is not the same motive and definition used by Weld in his text. Cicero writes in the stasis of definition that, “finally, the principle underlying the contrary definition will be refuted, as being false, inexpedient, disgraceful, or harmful” (89). To

contrast the motives used contemporaneously during his time, Weld offers his own definition in explaining what the ultimate motive of the slaveowner should be called.

Whereas southern slaveholders linked slavery with mutual benefit, Weld offered a different definition of slavery. He writes, “The enormities inflicted by slaveholders upon their slaves will never be discredited except by those who overlook the simple fact, that he who holds human beings as his bona fide property, *regards* them as property, and not as *persons* (110). By establishing slaves as property and not as persons in the eyes of southern slaveholders, Weld provides his own definition in the second stasis. He also provides a link between this definition and what he believes to be the underlying motive of slaveholders.

To support his position on the stasis of definition, Weld offers the motive lying behind the arbitrary power held by southern slaveholders. He writes, “Arbitrary power is to the mind what alcohol is to the body; it intoxicates...Man loves power...It is perhaps the strongest human passion...and the more absolute the power, the stronger the desire for it” (115). Weld also connects the term arbitrary power with other definitions. An example is the word “despot”. Weld writes, “Despot, signifies etymologically, merely one who *possesses* arbitrary power, and at first, it was used to designate those alone who *possessed* unlimited power over human beings, entirely irrespective of the way in which they exercised it, whether mercifully or cruelly” (115). Weld then offers the current definition of the term as it has evolved through slavery. He asserts, “It now signifies, in common parlance, not one who *possesses* unlimited power over others, but one who exercises the power that he has, whether little or much, *cruelly*” (115). By offering counter definitions such as despot, Weld asserts his own side of the definitional stasis and

provides what he believes is the real motive of southern slaveholders; the abuse of arbitrary power. To establish this motive, Weld directly refutes some of the arguments held by those who believe that slavery is a necessary evil and a positive good.

Weld refutes these arguments by directly attacking the notion that the treatment of slaves is a positive one. He writes that it is no surprise that slaveholders always talk of their kind treatment towards their slaves and that, “The only marvel is, that men of sense can be gulled by such professions... The greatest tyrants that ever dripped with blood have assumed the titles of “Most gracious,” “most clement,” “most merciful,” Etc, and have ordered their crouching vassals to accost them thus” (8). Besides making his own assertions, Weld uses other testimonies to refute the fallacy that slaves are kindly treated. Rev. William Allan, son of a slaveholder, writes, “At our house it is so common to hear their (the slaves’) screams, that we think nothing of it: and lest any one should think that in *general* the slaves are well treated, let me be distinctly understood:--*cruelty* is the *rule*, and *kindness* the *exception*” (61). In a letter from Nathan Cole, the author echoes this sentiment. He writes, “I know that many good people are not aware of the treatment to which slaves are *usually subjected, nor have they any just idea of the extent of the evil*” (61). By directly refuting the idea that slaves are well treated in his text, Weld rejects the motives offered by slaveholders in perpetuating their system. He also provides new insight for his northern audience by showing them the extent to which slaves are cruelly treated. He provides this assertion by stating the motive of arbitrary power, which ultimately shows the true definition surrounding the term slavery and its effects within the country.

That slaveholders provided evangelism that improved the condition of slaves Weld also refutes. In his text, Weld's sister-in-law Sarah Grimké tells the story of a slaveholder, who did not believe in God, and his slave, who was a self proclaimed Christian. To win a bet, the owner ordered his slave to deny his faith in Jesus Christ. He refused, and for retribution, the owner whipped the slave to death. Sarah provides her feelings about the slave by writing, "Oh, how bright a gem will this victim of irresponsible power be, in that crown which sparkles on the Redeemer's brow:, and that many such will cluster there, I have not the shadow of a doubt" (24). Again, Weld rejects the positive good argument by providing stories that show the evil slavery inflicts upon those forced to live under its condition. In another story regarding the evangelism of slaves, author Angelina Grimké Weld tells the story of a "Christian" family in South Carolina. The narrator states that one of the brothers beat a waiter in front of the mistress, her daughter, and other guests because he had kept them waiting while trying to visit his wife on another plantation. Angelina writes, "This mistress was a *professor of religion*; her daughter who related the circumstance, was a *fellow member* of the Presbyterian church *with the poor outraged slave*—instead of feeling indignation at this outrageous abuse of her brother in the church, she justified the deed and said "he got just what he deserved" ...I solemnly believe this to be a true picture of *slaveholding religion*" (Weld 54). In providing stories such as this one, Weld seeks to prove that nothing in the guise of "Christianity" is a positive good for slaves.

In a statement provided by General William Harrison the author writes, "But trust me, sir, there is nothing more corrupting, nothing more *destructive of the noblest and finest feelings of our nature than the exercise of unlimited power*" (117). It is statements

such as this one that Weld uses to establish his burden of definition. The existence and abuse of arbitrary power held by slaveholders over their slaves causes an unrestricted amount of neglect and ultimate infliction upon the human beings known as slaves in the South. By providing his own definition and rejecting the motives provided by slaveholders, Weld upholds his burden of proof in the second stasis. In both the stases of conjecture and definition, Weld argues that the abuse of arbitrary power is central to understanding slavery. In the stasis of conjecture, Weld shows that arbitrary power is the motive by which slaveholders perpetuate their system of brutality. Not only is arbitrary power the motive, Weld defines the entire system as an abuse of this power in the stasis of definition. By labeling slavery as an abuse of absolute power, Weld rejects the southern definitions of slavery and provides his audience a true definition from which they can label the crime of slavery and bring back a guilty verdict. Besides providing a motive and definition of slavery, Weld addresses the nature of slavery itself. This argument is analyzed according to the third stasis in the next chapter of this study.

### Chapter III. Stasis of Quality

The third stasis, quality, asks the question, “What is its nature?” In the Rhetorica Ad Herrenium, Cicero divides the stasis of quality into two parts: absolute and assumptive (91-105). According to Cicero, the absolute “are the divisions of Law by means of which one should demonstrate the injustice or establish the justice of an act—which we see to be the end sought in an Absolute Judicial cause” (Rhetorica 97). The assumptive categories represent contextual arguments that can be used to admit an act was committed, but defend it based on one of four extraneous circumstances (Rhetorica 97-105). Of these two categories, the former is more applicable to an analysis of Weld’s tract. This is because Weld was not clashing on extraneous circumstances offered by the defense, but on the essential quality of slavery itself. Weld’s tract asserts that the nature of slavery perpetuated injustice and therefore should be abolished. It is therefore necessary to analyze the stasis of quality using Cicero’s absolute criteria which comprise six sub-divisions: nature, statute, custom, previous judgments, equity, and agreement (Rhetorica 91). All six sub-divisions relate to the way in which the law is constituted.

The first is the law of nature. Cicero writes, “To the Law of Nature belong the duties observed because of kinship or family loyalty” (Rhetorica 93). An example of this type of law is one that prohibits requiring spouses to testify against one another. The second division is law by statute. Cicero writes, “Statute Law is that kind of Law which is sanctioned by the will of the people” (Rhetorica 93). An example is to appear for jury

duty when summoned to do so. The third division is law by legal custom. This is a kind of law used when there is not a formal statute in place. Cicero writes, “for example, the money you have deposited with a banker you may rightly seek from his partner”

(Rhetorica 93). The fourth division is law by previous judgment. In these types of cases separate judges have offered separate judgments in similar cases. Cicero writes,

“Therefore, because different past judgements can be offered for a like case, we shall, when this comes to pass, compare the judges, the circumstances, and the number of

decisions” (Rhetorica 95). The fifth division is law by equity. Cicero writes, “The Law rests on Equity when it seems to agree with truth and the general welfare” (Rhetorica 95).

According to the circumstances of the case, a new law can be created based upon the absolute equitable characteristics of the controversy at hand. The final division is law by agreement. These laws are enacted when two parties agree according to some statute (Rhetorica 95). These six categories represent the breadth of Cicero’s treatment of absolute quality arguments.

Of the six categories, the first and fifth are the most applicable to an analysis of Weld’s text. The first type, law of nature, can be seen in Weld’s rhetoric as early as his introduction. On human nature’s disposition towards slavery Weld writes, “She has uttered her testimony against slavery with a shriek ever since the monster was begotten; and till it perishes amidst the execrations of the universe, she will traverse the world on its track, dealing her bolts upon its head” (Weld 7). By personifying the law of nature’s judgement about the system of slavery, Weld seeks to persuade his audience to align themselves with a humanitarian call for abolition.

Of course, Weld's ultimate goal in his quality argument is represented in the fifth category of equity. This goal, the abolition of slavery, is articulated throughout his text by creating arguments that align the cause of abolition with justice and the status quo with injustice. By creating a case against slavery based on equity, Weld formulates a prosecutor's stance in addressing the stasis of quality.

In his tract, Weld first addresses the stasis of quality by offering personal narratives from people who have first hand experience with slavery and its monstrous effects. The first group of narratives offered here consists of people who were born and raised in the South. Their narratives are confessional in tone.

Sarah Grimké, a leading abolitionist of her time, provides one such narrative. In stating her purpose for supplying her narrative, Grimké writes of her memories that, "They come over my memory like gory spectres, and implore me with power, in the name of a God of mercy, in the name of a crucified Savior, in the name of humanity; for the sake of the slaveholder, as well as the slave, to bear witness to the horrors of the southern prison house" (Weld 22). In this statement we see Grimké being impelled by her terrible memories to bear witness to her slaveholding background. Sarah supplies horrific details about her memories of growing up in a southern slaveholding family in South Carolina. The "resistless power" of her memories allows her to confess the actions of her own family and purge away the feelings of guilt that are associated with her upbringing. Sarah suggests again the natural, emotional impact of slavery on people when she writes about a friend to whom she was accustomed to talking while suffering association with slavery. Grimké writes of, "A beloved friend in South Carolina, the wife of a slaveholder, with whom I often mingled my tears, when helpless and hopeless we



deplored together the horrors of slavery” (Weld 24). By setting up observations which are impelled by the law of nature, Sarah and other former members of slaveholding families speak to repent the atrocious quality by which their own families subjected the lives of their slaves.

In another narrative provided by William Poe the author offers, “I am pained exceedingly, and nothing but my duty to God, to the oppressors, and to the poor down—trodden slaves, who go mourning all their days, could move me to say a word” (Weld 26). By framing his statement according to his various duties, the author provides a confessional tone in providing the rhetorical purpose of his text. This type of rhetorical purpose contrasts with one that gives a story for the sole purpose of the audience. In reading the narratives provided by members of slaveholding families, the reader gets the sense that it is as much for the narrator’s own benefit as that of their audience.

To set up the testimony of Lemuel Sapington, Weld writes, “Mr. Sapington is a repentant “soul driver” or slave trader, now a citizen of Lancaster, Pa” (49). In this passage the reader is immediately drawn to the credibility of a man who has first hand knowledge of the actual experiences of slavery. After sharing some of the atrocities of his former profession, Sapington offers the experience of his transformation. While selling slaves in the South, Sapington recalls, “About that time an unaccountable something, which I now know was an interposition of Providence, prevented me from prosecuting any farther this unholy traffic” (Weld 49). “Providence” allowed Sapington to repent his role in the slaveholding business, and worked again to allow him to share the purpose of his narrative. “Providence” here works like the law of nature. This law compels the southern narrators to repent their actions as slaveholders and to realign

themselves with what human nature would have them do: emancipate their victims by relinquishing their arbitrary power and speak for compassion through the humanitarian call for abolitionism. In closing his narrative Sapington observes, “One fact; it is impossible for a person to pass through a slave state, if he has eyes open, without beholding every day cruelties repugnant to humanity” (50). By classifying the every day activities of life in the slave states as “repugnant to humanity,” the author asserts that the quality of the slaveholding institution is contrary to the very fabric by which we all share as human beings.

Besides using confessional tones, other narratives in Weld’s tract explain how human beings can so coldly and cruelly treat the slaves living underneath their bondage. In a narrative provided by W.M. Gildeersleeve, the author tells of witnessing a slave’s whipping. For taking two chickens for something to eat, a slave was strung up and one hundred lashes were administered to his bare body. Gildeersleeve remembers, “I stood by and witnessed the whole, without as I recollect, feeling the least compassion... So hardening is the influence of slavery, that it very much destroys feeling for the slave” (Weld 51). The narratives also explain how human beings can refute the law of nature, which would have them reject the need for arbitrary power. Through relating what it means to have been born into and raised by slaveholding families, these narrators articulate a sense of compassion that had died inside themselves while they were slaveholders, and they show through the narration the relief that comes from accepting the law of nature.

In a similar light, John Nelson tells the story of his upbringing in Virginia and his subsequent transformation as an abolitionist. Nelson tells of his sympathies for the slaves

living with his family as a young boy and his cries for mercy when they were whipped before him. In one such scene he was severely rebuked by his father for coming to the aid of a slave. Experiences such as this one he brings to light when he writes, “Yet, such is the hardening nature of such scenes, that from this kind of commiseration for the suffering slave, I became so blunted that I could not only witness their stripes with composure, but myself inflict them, and that without remorse” (Weld 51-2). By reporting upon the attitudinal conditions in which slaveholding children are raised, Nelson provides detail into how slaveholders become emotionally detached from the cruelties they inflict upon their slaves. In Nelson’s narrative we see how a child’s natural sympathies can be rejected by peer opinion, habit and custom, and subsequently transformed to dilute any compassion towards human beings. So hardening is the effect of slavery upon human nature that a transformation occurs upon the human spirit itself.

In a narrative provided by Angelina Grimké Weld, sister of Sarah Grimké, and wife of Theodore Dwight Weld, the author ponders of her childhood, “Why I did not become totally hardened under the daily operation of this system, God only knows” (Weld 53). In providing the rhetorical purpose of her narrative the author writes, “While I live, and slavery lives, I *must* testify against it” (Weld 52). Besides testifying for those slaves who cannot speak for themselves Angelina asserts:

But it is not alone for the sake of my poor brothers and sisters in bonds, or for the cause of truth, and righteousness, and humanity, that I testify; the deep yearnings of affection for the mother that bore me, who is still a slaveholder, both in fact and in heart; for my brothers and sisters, and for my numerous other slaveholding kindred in South Carolina, constrain me to speak: for even were slavery no curse to its victims, the exercise of arbitrary power works such fearful ruin upon the hearts of *slaveholders*, that I should feel impelled to labor and pray for its overthrow with my last energies and latest breath. (Weld 52)

Included in Angelina's testimony are references towards her family's own cruelty to family slaves.

According to her biographer Katharine Lumpkin, Angelina disguised all personal identities of her family in the narrative but they nonetheless recognized themselves, and upon reading the tract, sister Anna Frost described it as "infamous" (17). Before the tract reached Charleston, the sisters' mother died and Anna wrote, "Now that she slumbers sweetly in her Savior's Bosom your unmeasured shafts will be pointed at her in vain" (Abzug 215). Angelina wrote back that, "Neither life nor death can obliterate from our memories nor from *God's book of remembrance*, the bloody abominations of *our own household*, and the time has gone forth into many hearts to "bring to light the hidden things of darkness'" (Barnes and Dumond 2: 788). By first offering and then defending her testimony, Angelina provides a confessional that is both personal to herself and collective to her family and southern slaveholding background. By providing narratives which are confessional in nature, former members of slaveholding families provide redemption for themselves and offer the same alternative for other readers who are reluctant to join the cause of the abolitionist movement. These same narratives provide a crushing indictment against the institution of slavery and shed light on the horrible extent to which the quality of slavery exists in the United States.

In this first group of narratives we see a confessional purpose that speaks about the need for southerners to admit to one's own atrocities brought on by the institution of slavery itself. The narratives reflect how the institution of slavery can transform a person away from the natural feelings of compassion and kindness towards slaves and towards a thirst for arbitrary power. The purpose of these narratives is for the narrators to realign

themselves with human nature, which would have them call upon the abolition of slavery in the South.

Another group of narratives provided in Weld's tract is from northerners who have visited the South and have seen for themselves the nature of slavery. Having not directly participated in slavery, the northern narratives are not confessional. Instead, these authors act as qualitative interpreters for their northern audience. Their rhetorical purpose is framed by a duty to shed light on the ignorance of the northern audience.

In a narrative provided by Mr. Caulkins the author writes, "I feel it my duty to tell some things that I know about slavery, in order, if possible, to awaken more feeling at the North in behalf of the slave" (Weld 11). The "duty" associated with Caulkins' rhetorical purpose is to expose the atrocities committed by slaveholders which oppose the law of nature important to those members of a free society reading his narrative. Caulkins hopes to produce in his own readers' hearts the humanitarian call for emancipation, which is indicative of the true natural law of justice. Of course, Caulkins' narrative speaks for those who cannot speak. He exemplifies this point when he writes, "The scenes that I have witnessed are enough to harrow up the soul; but could the slave be permitted to tell the story of his sufferings, which no white man, not linked with slavery, *is allowed to know*, the land would vomit out the horrible system, slaveholders and all, if they would not unclench their grasp upon their defenseless victims" (Weld 11). Caulkins' statement is indicative of the irresistible need to reject the system of slavery because it is against the law of nature. In this statement we see Caulkins asserting that the very earth itself would reject slaveholders and their system if it were allowed to do so. In producing his

narrative, Caulkins becomes a viable witness for northerners and the humanitarian voice of freedom for slaves.

Caulkins acts as interpreter for his readers in his narrative by asserting, "Examine their means of subsistence, which consists generally of seven quarts of meal or eight quarts of small rice for one week; then follow them to their work, with driver and overseer pushing them to the utmost of their strength, by threatening and whipping" (Weld 16-7). By presenting passages such as this one, Caulkins offers objective eyes on the system of slavery for his audience. Caulkins effectively establishes his role as a credible source of information because he offers his audience a way to live through his own experiences.

In another narrative offered by Philemon Bliss the author writes, "The physical condition of the slave is far from being accurately known at the north...Gentlemen *traveling* in the south can know nothing of it...They must make the south their residence; they must live on plantations, before they can have any opportunity of judging of the slave" (Weld 102-3). Through this statement Bliss takes on the role of interpreter for the North by explaining how he became a credible source of information regarding the quality of slavery. Bliss makes this point more graphic for his audience when he writes, "I was conversing the other day with a neighboring planter, upon the brutal treatment of the slaves which I had witness: he remarked, that had I been with him I should not have seen this..." "When I whip niggers, I take them out of sight and hearing" (Weld 103). By recounting statements such as this one, Bliss shows the extent by which slaveholders hide the deplorable actions they daily suffer upon their slaves. The reader can infer from this statement that slaveholders must hide their actions because they know it is a violation of

natural law. If it were not, slaveholders could do as they pleased without fear of retribution from those who would see their actions as barbarous.

In a narrative provided by Rev. Phineas Smith the author writes, “Many of the enormities committed upon the plantations will not be described till God brings to light the hidden things of darkness, then the tears and groans and blood of innocent men, women and children will be revealed, and the oppressor’s spirit must confront that of his victim” (Weld 102). Again, the narrator explains to his audience that it is not possible to know the extent to which slaves suffer underneath the system of slavery. By acting as interpreter, Smith offers his own reaction to what he has seen with his own eyes. He accomplishes this task by reflecting upon his memories while living in the South. He divulges, “They form an era in my life, a point to which I look back with horror” (Weld 102). By categorizing his memories of the South using this type of language, Smith paints a picture for what his audience members’ memories would be if they too lived in the South.

The final personal narrative offered in the book is from an anonymous clergyman. The clergyman reports that since residing in the South, southerners have attempted to persuade him to drop his northern prejudices of looking at slaves as equals and even has been encouraged to take up the practice himself. He asserts that this cannot be the case when he writes, “I judge still from those principles which were fixed in my mind at the north; and a residence at the south has not enabled me so to pervert truth, as to make injustice appear justice” (Weld 107). In this passage, the author identifies with his readers by associating their belief system with justice. He also associates the southern

slaveholding system with injustice and affirms their side of the quality stasis with treachery.

Later in his text the clergyman writes, “Permit me then to relate what I have seen; and do not imagine that these are all exceptions to the general treatment, but rather believe that thousands of cruelties are practiced in this Christian land every year, which no eye that ever shed a tear of pity could look upon” (Weld 107). Again, the author offers himself as interpreter to the northern audience by establishing his relevant experience with the institution. The author relates that this experience is not extraordinary but indicative of the daily experiences of his environment. By establishing that these experiences speak to the daily humiliations suffered by slaves, the author establishes that the quality of life lived by slaves is truly an intolerable one.

Both groups of narratives, those offered by people who were raised and participated in the institution and those who are from the North but have observed the institution, provide material that sets up Weld’s argument in the stasis of quality. The southern narratives reflect a confessional tone that repents the deeds done against human nature and try to realign their narrators with the spirit of human nature that would abolish slavery altogether. The northern narratives are interpretive in that they provide first hand testimony and act as the eyes and ears for those members of the North who are ignorant to the system of slavery and its abuses upon human nature. By using both the confessional and interpretive styles of narratives, Weld provides two separate ways of experiencing slavery. Southern narratives provide a way for readers to understand vicariously how a person can come to the place where they can violate human nature. They also show how a person can come to terms with this violation through confession.



Northern narratives provide an objective interpretation by means of a first hand observation.

Having analyzed the rhetorical purposes of the narratives offered in the book, it is next necessary to show how Weld completes his treatment of the stasis of quality. Weld uses both narratives and newspaper accounts to fully substantiate his claim that the system of slavery violates the law of nature. He uses this evidence within a systematic categorization that addresses the atrocious quality of life that slaves daily suffer. It is to these categories that I turn in analyzing Weld's text.

The first privation that Weld addresses is food. Weld sets up his qualitative argument in this category by stating, "If, therefore, we find upon examination, that the slaveholders do not furnish their slaves with sufficient food, and do thus habitually inflict upon them the pain of hunger, we have a clue furnished to their treatment in other respects, and may fairly infer habitual and severe privations and inflictions" (Weld 27). By exploiting the ill treatment slaves suffer in regards to their subsistence, Weld paints a larger picture in regards to the stasis of quality argument.

He begins the documentation of slaves' subsistence by offering declarations from witnesses. One declaration is from a speech regarding the Missouri question.<sup>2</sup> In his speech, Alexandar Smyth, himself a slaveholder and member of Congress from Virginia, states, "By confining the slaves to the Southern states, where crops are raised for exportation, and bread and meat are purchased, you *doom them to scarcity and hunger*...It is proposed to hem in the blacks where they are ill fed" (Weld 28). By

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<sup>2</sup> The Missouri question refers to the debate between northern and southern states regarding whether or not the territory of Missouri should be granted statehood as a slaveholding state. In 1821 the debate ended when Missouri was recognized as a slaveholding state.

printing this quote from a slaveholder, Weld provides concrete evidence that the quality of subsistence provided to slaves is intolerable. Weld quotes Thomas Clay, a slaveholder from Georgia, as saying, “From various causes this (the slave’s allowance of food) is *often* not adequate to the support of a laboring man” (28). Of course, the slaves of the South were very much in the habit of doing hard labor and Weld uses this quote to show that there subsistence is anything but adequate. By using the testimony of slaveholders, Weld furthers the credibility of his qualitative argument.

Besides using quotes from southern slaveholders, Weld uses testimony from northerners to attack the treatment of slaves in regards to their food. In a letter written in 1739, author George Whitefield stated to slaveholders, “My blood has frequently run cold within me, to think how many of your slaves *have not sufficient food to eat*; they are scarcely permitted to *pick up the crumbs*, that fall from their master’s table” (Weld 28). Using this type of imagery, Weld continuously demonizes southern slaveholders by categorizing them as unfeeling aristocrats, unable to feel or provide for the people that they have forced into bondage. In the *Report of the Gradual Emancipation Society of North Carolina* the print reads, “The master puts the unfortunate wretches upon short allowances, scarcely sufficient for their sustenance, so that a *great part* of them go *half starved* much of the time” (Weld 28). Another informant suggests that slaves live in hunger all the time. According to Rev. Rankin, who was raised in Tennessee, and was then a resident of Ohio, “Thousands of the slaves are pressed with the gnawings of cruel hunger during their whole lives” (Weld 28). Besides using graphic quotes within this section, Weld further sub-divides his qualitative treatment of food.

The first category provided by Weld is the kinds of food provided to slaves. Weld uses first hand testimony to establish that the kinds of food provided to slaves is intolerable compared to free citizens. In a statement attributed to Robert Turnbull, the slaveholder acknowledges, “The subsistence of the slaves consists, from March until August, of corn ground into grits, or meal, made into what is called *hominy*, or baked into corn bread...The other six months, they are fed upon the sweet potato...Meat, when given, is only by way of ‘*indulgence or favor*’” (Weld 28). This testimony is consistent with other declarations regarding the kinds of food allowed to slaves. This consistency shows that slaves are provided a bare minimum choice in the variety of foods provided to them and that the allowance of meat is almost unheard of. An exception to the allowance of meat usually happened on special occasions. Reuben Macy, who resided in South Carolina, shares, “The slaves had no food allowed them besides *corn*, excepting at Christmas when they had beef” (Weld 28). By showing that slaves are only allowed a meal once a year that the rest of his readers take for granted as an everyday subsistence, Weld shows that the kinds of foods provided to slaves is deplorable compared to most citizens.

In another sub-category, Weld addresses the quantity of food provided to slaves. In framing this part of his argument, Weld describes the amount of food provided to slaves in one week. In a printed article of the Maryland *Journal* and Baltimore *Advertiser*, the statement reads, “A *single peck of corn a week, or the like measure of rice*, is the *ordinary* quantity of provision for a *hard-working* slave, to which a small quantity of meat is occasionally, though *rarely*, added” (Weld 29). The overall theme addressed in this section is that the amount of food provided to slaves is barely minimal

to provide a livable existence. According to Thos. Clay, a slaveholder from Georgia, “The quantity allowed by custom is *a peck of corn a week*” (Weld 29). By printing this quote Weld shows that the “custom” of food allowance granted to slaves is truly deplorable. According to F.C. Macy, who resided in Georgia, “The food of the slaves was three pecks of potatoes a week during the potato season, and *one peck of corn*, during the remainder of the year” (Weld 30). In providing these quotes, Weld persuades his readers to believe that the quantity of food provided to slaves is a direct reflection of the quality of their lives.

In the next sub-category, Weld addresses the quality of food provided to slaves. Weld asserts, “For, if their provisions are of an inferior quality, or in a damaged state, then, power to sustain labor must be greatly diminished” (Weld 30). By describing only one aspect of the lives of slaves, Weld reminds the reader to remember the larger qualitative argument: that the current system of slavery is so deplorable and is so filled with constant injustice that it must be abolished.

According to Rev. Horace Moulton, a former resident of Georgia, “the food, or *feed* of slaves is generally of the *poorest kind*” (Weld 31). Weld also uses testimony granted by the medical community. According to an article in the *Western Medical Reformer*, “They (slaves) live on a course, *crude, unwholesome diet*” (Weld 31). Weld offers a quote from A.G. Smith, formerly a physician working in Kentucky. The doctor states, “I have myself known numerous instances of large families of *badly fed* negroes swept off by a prevailing epidemic; and it is well known to many intelligent planters in the south, that the best method of preventing that horrible malady, *Chachexia Africana*, is to feed the negroes with *nutritious food*” (Weld 31). This statement from a physician

who had experienced watching slaves die because of their diet, leads the reader to realize, that slaveholders had become so callous that the need to provide nutritious food was of little concern even when that nutrition benefited their “property.”

The last sub-category addressed by Weld in this section is the number and time of meals each day. Through the use of testimony, Weld asserts that slaves are only granted two meals a day, once in the morning and once again after their labor is furnished well into the night (Weld 31). Here, Weld shows that slaves are not allowed three square meals and that the time of their subsistence is chosen for them. Again, Weld provides only one small dimension of the slaves’ lives to provide a comparative picture for the free citizens reading his text. By doing this, Weld accomplishes his task as prosecutor in asserting his side of the qualitative argument.

The next privation addressed by Weld in the life of the slaves is their labor. To set up his argument that the slaves are overworked Weld writes, “This is abundantly proved by the number of hours that the slaves are obliged to be in the field... But before furnishing testimony as to their hours of labor and rest, we will present the express declarations of slaveholders and others, that the slaves are severely driven in the field” (35). By setting up his argument using this assertion, Weld tells his audience what they should explicitly believe after reading his section on labor.

From an excerpt of a book entitled Travels in Louisiana, translated from French into English by John Davies, the author writes, “At the rolling of sugars, an interval of from two to three months, they *worked both night and day*... Abridged of their sleep, they *scarce retire to rest during the whole period*” (Weld 35). This type of language is

consistent in this section in that the hours of labor are portrayed as constant and that the slaves are never allowed a break from their toils.

In a quote from Asa Stone, who lived in Mississippi, the theological student states, “Everybody here knows *overdriving* to be one of the most common occurrences, the planters do not deny it, except, perhaps, to northerners” (Weld 35). By providing a statement from a citizen of Mississippi, Weld points out that members of the slaveholding institution are purposely dishonest in disclosing how they treat their slaves. In another quote from R.J. Turnbull, himself a slaveholder, the author speaks of the harvesting of cotton by stating, “*All the pregnant women even, on the plantation, and weak and sickly negroes incapable of their labor, are then in requisition*” (Weld 36). By providing this quote Weld points out that even in the most vulnerable of conditions, slaves are expected to work for the benefit of their masters.

In a sub-category of the labor section Weld treats the hours of labor and rest of slaves. According to Asa Stone, “It is a general rule on all regular plantations, that the slaves be in the field as *soon as it is light enough for them to see to work*, and remain there until it is *so dark that they cannot see*” (Weld 36). Weld points out that from light till dark, the slaves are forced to toil and produce the amount of work required by them. In a statement attributed to Cornelius Johnson, the author writes, “It is the common rule for the slaves to be kept at work *fifteen hours in the day*, and in the time of picking cotton a certain number of pounds is required of each... If this amount is not brought in at night, the slave is whipped, and the number of pounds lacking is added to the next day’s job—this course is often repeated from day to day” (Weld 36). In providing this quote, Weld articulates the vicious cycle suffered daily in the lives of the slaves regarding their work.

From dawn till dusk the slaves are forced to work under the whip of the overseer. Of course, this is the work associated with the field and does not include all the work associated with slavery's shackles.

Weld points this out to his readers when he writes, "Besides this, as every one knows who has lived on a southern plantation, many little errands and *chores* are to be done for their masters and mistresses, old and young, which have accumulated during the day and been kept in reserve till the slaves return from the field at night" (36). Philemon Bliss backs up this point by stating, "If any extra job is to be done, it must not hinder the *niggers* from their work, but must be done at night" (Weld 37). By pointing out the exhaustive nature of the slaves' everyday lives, Weld meticulously dissects the horrible conditions that the slaves daily have to suffer.

Besides addressing the everyday particulars of the slaves' labor, Weld articulates the condition of the slaves' labor into a larger qualitative framework. One particular illustration of this point is the comparison between births and deaths associated with slave populations. Weld reports that Henry Clay, who resided in Kentucky, believed, "that the births among the slaves in that quarter were *not equal to the deaths*—and that, of course, the slave population, independent of immigration from the slave-selling states, was *not sustaining itself*" (Weld 37). Weld points this out to his readers so they understand that the labor of slaves is so grueling that their population is dying out. It cannot possibly sustain itself unless other people are brought into it from the outside. In a listing of slaves for sale in an advertisement printed in the South, Weld notes that, "The whole number of slaves is *one hundred and thirty*...Of these, *only three are over forty years old*...There are *thirty five females* between the ages of *sixteen and thirty-three* and

yet there are only thirteen children under the age of *thirteen years*” (38). By providing this statistic, Weld tries to persuade his readers of two things to believe. First, that the relatively low number of children proves that the slaves cannot sustain themselves due to the fact that they are overworked and secondly, that the relatively low number of people reaching a certain age proves that they die before reaching the normal number associated with life expectancy.

In the summation of this section Weld declares, “In conclusion we add, that slaveholders have in the most public and emphatic manner declared themselves guilty of barbarous inhumanity toward their slaves in exacting from them such *long continued daily labor*” (40). In using this language Weld seeks to affirm his role as prosecutor in providing sufficient evidence to prove that the quality of life suffered by slaves is truly atrocious.

The next privation addressed by Weld is the slaves’ clothing. To set up the argument within this section Weld writes, “We propose to show under this head, that the clothing of the slaves by day, and their covering by night, are inadequate, either for comfort or decency” (40). Weld accomplishes this objection by providing testimony of witnesses.

In testimony provided by Lemuel Sapington, a former slaveholder from Maryland, the author writes, “Their clothing is often made by themselves after night, though sometimes assisted by the old women, who are no longer able to do out-door work; consequently it is harsh and uncomfortable...And I have very frequently seen those who had not attained the age of twelve years go *naked*” (Weld 41). Sapington’s witness of the depravation of clothing to the point of nakedness is consistent with other testimony



as well. According to Philemon Bliss, “It is very common to see the younger class of slaves up to eight or ten *without any clothing*, and most generally the laboring men wear *no shirts* in the warm season... The perfect nudity of the younger slaves is so familiar to the whites of both sexes, that they seem to witness it with perfect indifference” (Weld 41). In addressing the indifference of slaveholders, Bliss seeks to establish that the system of slavery is both degrading to slaves and slaveholders. Slaves, because they are forced to work unclothed and slaveholders, because they are so accustomed to providing their slaves with nothing that they have robbed themselves from feeling the most basic of emotions towards other human beings. W.C. Gildersleeve echoes this sentiment when he writes, “Children of both sexes, from infancy to ten years are seen in companies on the plantations, *in a state of perfect nudity*... This was so common that the most refined and delicate beheld them unmoved” (Weld 41). By addressing the callous nature of slaveholders’ attitudes towards their slaves’ nudity, Gildersleeve shows that indifference towards the quality of life associated with the slaves’ lives is the rule and not the exception in the South.

In an extensive narrative provided by an anonymous witness from Virginia the author writes, “Most of the slaves in these counties are *miserably clad*... I have known slaves who went without shoes all winter, perfectly barefoot... The feet of many of them are frozen” (Weld 42). With this testimony Weld asserts that the slaves’ clothing is so deplorable that it even endangers their health. In addressing that the feet of the slaves sometimes go frozen, the author condemns the slaveholders as people who are so callous to human suffering and so motivated by saving money that they do not care for the people they have forced to care for. Later in the narrative the same witness writes, “I have seen

men and women at work in the field more than half naked; and more than once in passing, when the overseer was not near, they would stop and draw round them a tattered coat or some ribbons of a skirt to hide their nakedness and shame from the stranger's eye" (Weld 42). In providing this quote the narrator humanizes the slaves to the readers of the northern audience. He accomplishes this task by showing that the slaves have the same feelings regarding their nakedness as anyone else would. By showing the human element of slaves' feelings towards their clothing, the author draws his audience in towards believing that like themselves, slaves are human beings, people with the same emotional feelings regarding their degradation.

The next privation addressed by Weld is the dwellings of slaves. To set up this section Weld flatly asserts, "The slaves are wretchedly sheltered and lodged" (43). Again, Weld proves this assertion by providing testimony from both southerners and northerners that have witnessed the institution.

In a statement provided by a Kentucky physician, the author writes, "They are *crowded* together in a *small hut*, and sometimes having an imperfect, and sometimes no floor, and seldom raised from the ground, ill ventilated, and surrounded with filth" (Weld 43). Here Weld connects the general health of the slaves and their dwellings. Weld argues that the dwellings cause sickness and suffering, something that adds to his overall argument that the quality of life associated with slavery is atrocious. By using a statement from an actual physician associated with slavery, Weld adds to the credibility of this argument.

In a statement provided by Lemuel Sapington, a former slaveholder from Maryland, the author writes, "The descriptions generally given of negro quarters, are

correct; the quarters are *without floors, and not sufficient to keep the inclemency of the weather*; they are uncomfortable both in summer and winter” (Weld 43). By showing that the suffering of slaves occurs all year long, the author shows that the quality of the slaves’ lives in regards to their lodgings is not only horrible, but also consistently horrible. In a statement provided by John Rankin, a native of Tennessee, the author writes of slaves that, “When they return to their miserable huts at night, they find not there the means of comfortable rest; but *on the cold ground they must lie without covering, and shiver while they slumber*” (Weld 43). In using this type of imagery the author establishes human beings in the most wretched of conditions. The image casts the reader inside the slaves’ shameful lodges and creates a lasting impression that the quality of life in these dwellings is deplorable.

Besides using testimony from southerners, Weld uses northern testimony to establish that the dwellings of slaves are atrocious. According to George Avery, “Amongst all the negro cabins which I saw in Va., *I cannot call to mind one* in which there was any other floor than the *earth*; anything that a northern laborer, or mechanic, white or colored, would call a *bed*; nor a solitary *partition*, to separate the sexes” (Weld 43). In providing this statement, Avery establishes that there is no such thing as the normal standard associated with the bedding commonly taken for granted by northerners. In asserting this, the author attempts to shock his readership into knowing that the most basic things that they take for granted are only remote dreams of slaves. A people who have only the cold earth to welcome them after a hard day’s work toiling underneath the whip of the overseer.

In a statement provided by Joseph Sadd, the author writes, “The slaves live *generally in miserable huts*, which are *without floors*, and have a single apartment only, where both sexes are herded promiscuously together” (Weld 43). In associating the general condition of slaves’ lodgings with misery, the author provides that the quality of slaves’ dwellings is consistently awful. In showing that the sexes of the slaves are “herded promiscuously,” the author provides that the slaves are treated as cattle. This statement also provides shock to those readers who take their privacy and general freedom for granted. In addressing the dwellings of the slaves, Weld again provides his side in the stasis of quality argument. He provides his burden of proof by consistently providing testimony that shows the deplorable nature regarding the crime of slavery.

The final privation addressed in Weld’s text is treatment of the sick. To set up his argument within this section Weld writes, “The slaves suffer from inhuman neglect when sick” (44). Again, Weld associates the crime of slavery within the context that it is a crime against humanity. A theme that he attempts to prove through the use of testimony provided by northerners and southerners. In a statement provided by a Dr. Channing, the author relates a story of visiting a southern plantation with the master to visit slaves who are sick. Dr. Channing states:

When I entered with him the hospital, the first object on which my eye fell was a young woman, very ill, probably approaching death...She was stretched on the floor...Her head rested on something like a pillow; but *her body and limbs were extended on the hard boards*...The owner, I doubt not, had at least as much kindness as myself; but he was so used to see the slaves living without common comforts, that the idea of unkindness in the present instance did not enter his mind. (Weld 44)

In telling this story the northern doctor attempts to explain how human beings can distant themselves from possessing any feelings for slaves. This process is shown to be a

gradual one, where a person habitually involved with slavery loses the basic capacity to treat slaves as human beings. Weld provides his own feelings towards this story when he writes, “If the *sick and dying female* slaves of *such* a master, suffer such barbarous neglect, whose heart does not fail him, at the thought of that inhumanity, exercised by the *majority* of slaveholders, towards their aged, sick, and dying victims” (44). In using this statement Weld seeks to implore his audience to call upon their own human hearts in condemning the institution of slavery as a crime against humanity itself.

In a statement provided by Horace Moulton, a northerner from Massachusetts, the author writes, “Many when sick are suspected by their masters of *feigning* sickness, and are therefore whipped out to work after disease has got fast hold of them; when the masters learn, that they are really sick, they are in many instances left alone in their cabins during work hours; not a few of the slaves are left to die without having one friend to wipe off the sweat of death” (Weld 45). In providing this dark side of slavery, Moulton sets himself up as interpreter, a person who shows the northern audience the actual quality of slaves’ lives. According to Moulton this life is a deplorable one, where the lives of the slaves are so devalued that the sick and dying are forced to toil for the benefit of the slaveholder.

In a declaration provided by George Avery, a northerner from New York, the author writes of slaves being treated by southern physicians. The author writes, “I have seen *fifteen or twenty helpless sufferers* crowded together in the true spirit of slaveholding inhumanity, like the “brutes that perish,” and driven from time to time *like* brutes into a common yard, where they had to suffer any and every operation and experiment, which interest, caprice, or professional curiosity might prompt,--unrestrained

by law, public sentiment, or the claims of common humanity” (Weld 45). With this statement readers are shown that the slaves are treated as experimental guinea pigs, forced to provide their own bodies to fulfill the medical whims of any 19<sup>th</sup> century doctor. The author also establishes that this practice is a crime against humanity and that the slaves are the defenseless victims of this crime.

Besides the use of northern testimony, Weld uses southerners as witnesses condemning the institution of slavery. In telling the story of sick slaves living with free blacks, Sarah Grimké writes, “On inquiry, we found that *nearly all* the colored persons who had solicited aid, were *slaves*, who being no longer able to work for their “owners,” were thus inhumanly cast out in their sickness and old age, and must have perished, but for the kindness of their friends” (Weld 44). Grimké alerts the reader that once slaves are unable to perform the work associated with slavery, their masters leave them for dead. By asserting this, Grimké shows that once the atrocious quality of the slaves’ lives are perceived as useless to their owners, they can only look forward to the peace associated with leaving the horrific world in which they were inhumanly cast through the process of dying.

In a statement provided by William Allan, himself the son of a slaveholder, the author writes, “Colonel Robert H. Watkins, of Laurence county, Alabama, who owned about three hundred slaves, after employing a physician among them for some time, ceased to do so, alleging as the reason, that it was cheaper to lose a few negroes every year than to pay a physician” (Weld 45). Again, we see through this statement that the slaves are reduced to money making inanimate objects. Once these objects cannot perform their money making tasks, they are left for dead.

Throughout his assertions in the privation section of his text, Weld adamantly and consistently asserts that the qualitative aspect of slaves' lives is deplorable. He does this by systematically addressing separate categories of the slaves' lives. Once treated individually, the reader is forced to affirm a larger picture in regards to Weld's burden as prosecutor in providing his side of the stasis of quality argument. The affirmation is that the system of slavery is a crime against nature and that it should be abolished.

Besides addressing specific privations of the slaves, Weld outlines the general nature of the cruelties inflicted upon slaves. In introducing this section Weld writes, "We propose in this place to present testimony of a *general character*—the solemn declarations of slaveholders and others, that the slaves are treated with great cruelty" (57). After providing his rhetorical purpose Weld adds, "To show that American slavery has *always* had one uniform character of diabolical cruelty, we will go back one hundred years, and prove it by unimpeachable witnesses, who have given their deliberate testimony to its horrid barbarity, from 1739 to 1839" (57). In establishing this time line, Weld seeks to show that slavery, without exception, has always been a crime against humanity.

In a letter to slaveholders written in 1739, George Whitefield states of slaves that, "Sure I am, it is sinful to use them as bad, nay worse than if they were brutes; and whatever particular *exceptions* there may be, (as I would charitably hope there are *some*,) I fear the *generality* of you that own negroes, *are liable to such a charge*" (Weld 57). In this quote we see once again the judicial motif established by Weld that slavery is on trial and slaveholders are guilty of crimes against humanity. To provide the ultimate judge of slaveholders' sins in the treatment of their slaves Whitefield warns, "*The blood of them,*

*spilt for these many years, in your respective provinces, will ascend up to heaven against you*" (Weld 57). In asserting that the heavens themselves condemn slavery, Whitefield deliberately plays upon the theological fears of his audience. Later in the timeline Weld uses a quote from a Mr. Rice, who in the convention for forming the Constitution of Kentucky in 1790 stated, "The master may, and *often does, inflict upon him all the severity of punishment the human body is capable of bearing*" (Weld 58). In his statement Mr. Rice asserts that slaves are tortured to the point of pain where the human body can hardly sustain itself. This is not always the case however.

In a statement provided in 1791 by President Edwards before the Connecticut Abolition Society, the preacher states, "*Many, many are knocked down; some have an arm or a leg broken, or chopped off*, and many, for a very small or for no crime at all, have been beaten to death, merely to gratify, the fury of an enraged master or overseer" (Weld 58). In providing this statement, Weld hopes to show that the people in charge of slaves are not only capable of inflicting pain, but murder itself.

In the text Weld shows that no slave is untouched by the cruelties inflicted upon the population. In a statement attributed to Monsieur C.C. Robin, the author writes, "The women are subjected to these punishments as rigorously as the men—not even pregnancy exempts them; in that case, before binding them to the stakes, a hole is made in the ground to accommodate the enlarged form of the victim" (Weld 59). In asserting this statement Robin points out that not only are pregnant women subjected to whippings, but also extra accommodations are made to do so! The reader can feel only disgust at reading passages such as this one, which shows that the slaveholders will stop at nothing to inflict cruelties upon human beings.



Other descriptions in this section of the book are just as ghastly in describing methods of torture. John Rankin speaks of slaves that, “*Others are stripped and hung up by the arms*, their feet are tied together and the end of a heavy piece of timber is put between their legs in order to stretch their bodies... and in this situation they are often whipped until their bodies are covered *with blood and mangled flesh*—and in order to add the greatest keenness to their sufferings, their wounds are washed with *liquid salt*” (Weld 60). It is statements with this type of descriptive language that turn the stomach of readers who have had no first hand experience with the system of slavery.

Of course, this is the ultimate purpose of Weld’s text. Nathan Cole provides this rhetorical purpose when he writes, “I know that many good people *are not aware of the treatment to which slaves are usually subjected*, nor have they any just idea of the extent of the evil” (Weld 61). The main rhetorical purpose of the text is to provide to those readers not associated with the system of slavery a microscopic look into what actually occurs. It is Weld’s assumption that for almost all of these readers the knowledge of the quality of life lived by slaves is minimal.

In a statement from N.H. Harding, himself a slaveholder from North Carolina, the author writes, “I am greatly surprised that you would in any form have been the apologist of a system so full of deadly poison to all holiness and benevolence as slavery, the concocted essence of fraud, selfishness, and cold hearted tyranny, and the fruitful parent of unnumbered evils, both to the oppressor and the oppressed, **THE ONE THOUSANDTH PART OF WHICH HAS NEVER BEEN BROUGHT TO LIGHT**” (Weld 61). Weld hopes to alleviate this problem by providing a book that finally gives

first hand testimony to the extent of injustice associated with the southern slaveholding system.

If addressing the general cruelties was not enough in providing shock to his readers, Weld systematically provides evidence into the atrocious nature of punishments associated with slavery. To provide a preview for this section Weld writes, “We will in the first place, prove by a cloud of witnesses, that the slaves are whipped with such inhuman severity, as to lacerate and mangle their flesh in the most shocking manner, leaving permanent scars and ridges; after establishing this, we will present a mass of testimony, concerning a great variety of other tortures” (Weld 62). Weld first addresses floggings in his text.

To prove that slaves are whipped to the point of permanent injury, Weld publishes advertisements already provided by southern newspapers. In an advertisement of the Nashville *Banner*, the statement reads, “Committed to jail as a runaway, a negro woman named Martha, 17 or 18 years of age, has *numerous scars of the whip* on her back” (Weld 62). In a paper of Louisiana called the *St. Francisville Journal*, the statement reads, “Committed to jail, a negro boy named John, about 17 years old—his back *badly marked with the whip*, his upper lip and chin *severely bruised*” (Weld 63). In providing advertisements such as these, Weld seeks to condemn slavery using the words of slaveholders themselves. The Mobile *Commercial Advertiser* prints, “Ten dollars reward for my man Siby, *very much scarred about the neck and ears by whipping*” (Weld 62). The Fayette *Observer* of North Carolina pronounces, “Committed, a mulatto fellow—his back shows *lasting impressions of the whip*, and leaves no doubt of his being A SLAVE”

(Weld 63). By printing these advertisements Weld shows the reader that the slaveholding community openly condones cruelties which are against human nature.

By providing a large number of advertisements that relate the same message, Weld shows that the quality of the slaves' lives is awful and that it is commonplace. Weld shows that the deplorable nature of slaves' lives is commonplace by printing a number of advertisements from around the South and from different time periods where people have openly printed their atrocities towards slaves. In providing advertisements and other slaveholder testimony Weld states, "We have given to *their* testimony precedence over that of all other witnesses, for the reason that when men testify against *themselves* they are under no temptation to exaggerate" (64). This statement is a rhetorical tactic that seeks to prove without any doubt that slaves' are cruelly treated.

In other testimony regarding whippings Weld provides even more descriptive language. Of one slave John Rankin testifies that, "He was doomed to receive fifty lashes; but by the time the overseer had given him twenty five with his great whip, the blood was standing round the wretched victim in little puddles... It appeared just as if it had rained blood" (Weld 67). In using language such as this, Weld paints scenes that create the most vile scenes of human suffering.

In another narrative describing whippings, a Mr. Glidden relates one story about a whipping inflicted upon a male slave for a crime committed. Mr. Glidden states that, "The same negro came down to my boat, to get some apples, and was so weak from his wounds and loss of blood, that he could not get up the bank, but fell to the ground... The crime for which the negro was whipped, was that of telling the other negroes, that *the overseer had lain with his wife*" (Weld 69). It is stories such as this one that establish the

absolute lack of justice slaves have had to live with. They also speak to the horrific nature of quality in the stasis argument provided by Weld.

In the next section of the punishments category Weld addresses multiple tortures by iron collar, chains, fetters and handcuffs. In a statement by the sheriff of Claiborne, Louisiana, the *Herald* reports, “Was committed to jail, a negro named Ambrose—has a *ring of iron around his neck*” (Weld 73). The *Memphis Times* reports, “Was committed to jail, a negroe boy—had on a *large neck iron with a huge pair of horns and a large bar or band of iron* on his left leg” (Weld 73). In reports such as these Weld proves that slaves are forced to live as human chattel by any means necessary.

In a story provided by Samuel Hall, the author tells a story about a slave who had attached to his head a circular medal band with a ball forced into his mouth. Hall reports that, “The overseer told me, he was so addicted to running away, it did not do any good to whip him for it...He said he kept this gag constantly on him, and intended to do so as long as he was on the plantation; so that, if he ran away, he could not eat, and would starve to death” (Weld 75). It is this story and others that show that slaveholders are capable of any type of cruelty to alleviate the “problem” of people trying to attain their freedom.

In the next section of his text Weld treats brandings, maimings, and gun shot wounds inflicted upon slaves. The *Natchez Courier* reports, “Ranaway Mary, a black woman, has a *scar* on her back and right arm near the shoulder, *caused by a rifle ball*” (Weld 77). The *N.O. Commercial Bulletin* reports, “Ranaway, Bill—has a scar over one eye, also on his leg, from *the bite of a dog*—has a *burn on his buttock, from a piece of hot iron in shape of a T*” (Weld 80). It is advertisements such as these that show the audacity

that slaveholders have in their treatment of slaves. These slaveholders openly and willingly print advertisements that admit to the barbarous nature of their treatment towards slaves.

Other advertisements point out further mutilations suffered by slaves. The *Georgia Republican* reports, “Ranaway Laman, an old negro man, gray, has *only one eye*” (Weld 77). In the *Mercury* of South Carolina the advertisement reads, “Committed to jail a negro man, has *no toes* on his left foot” (Weld 77). The *Commercial Register* reports, “Ranaway, the slave Ellis—he has *lost one of his ears*” (Weld 79). In these and other sickly advertisements, Weld shows that slaves have to suffer to the point of losing bodily extremities. Over and over the advertisements tell the story of human suffering which is aghast to anyone not knowing about the particulars of the slaves’ lives.

After categorizing specific atrocities associated with punishments in advertisements, Weld again provides narratives that provide more detailed and specific language associated with the cruelties of punishment that slaves daily have to suffer. In a statement attributed to a slaveholder by George Ripley, the author explains how the man told of his way of treating runaway slaves. According to Ripley, the man said of one runaway that, “The next morning we tied him to a tree, and whipped him until there was not a sound place on his back...I then tied his ankles and hoisted him up to a *limb*—feet up and head down—we then whipped him, until the damned nigger smoked so that I thought he would take fire and burn up” (Weld 85). All of this and more are reported as means by which slaveholders prevent slaves from “unlawfully” seeking their freedom.

Gerald Smith relays the story of a man who saw another kind of retribution for runaway slaves. Smith states, “Straw was spread over the whole of their backs, and after

being fastened by a band of the same material, was ignited, and left to burn, until entirely consumed... The agonies and screams of the sufferers he can never forget” (Weld 86). This story and others relate to how slaveholders are basically allowed to execute slaves without any fear of retribution.

In describing another form of punishment, Horace Moulton reports of one in particular called cat hauling. Moulton states that slaveholders, “take a cat by the nap of the neck and tail, or by its hind legs, and drag the claws across the back until satisfied; this kind of punishment, as I have understood, poisons the flesh much worse than the whip, and is more dreaded by the slave” (Weld 88). In providing this description and a large amount of other horrors, Weld both qualitatively and quantitatively establishes that the quality of slavery is truly a diabolical one. After treating multiple categories of atrocities, Weld provides remarks to summate his stasis of quality argument.

In the conclusion of this part of his text, Weld asserts four main points he wishes the reader to accept as fact. Weld first concludes, “That the system of slavery must be a system of horrible cruelty, follows of necessity, from the fact that two millions seven hundred thousands beings *are held by force*, and used as articles of property” (108-9). Weld seeks to establish here that by the sheer number of slaves in existence that it is only possible to hold such an army of individuals against their will. The slaves are not willingly choosing to participate, but instead are necessitated to do so by physical force.

Weld’s second conclusion is that, “The fact that the master inflicts pain upon the slave not merely as an *end* to gratify passion, but constantly as a *means* of extorting labor, is enough of itself to show that the system of slavery is unmixed cruelty” (105). Weld’s main point here is that slaves are constantly worked through the means of fear by

punishment. It is the one emotion that slaveholders constantly prey upon to perpetuate their system.

Weld's third main point is, "That the slaves must suffer frequent and terrible inflictions, follows inevitably from the *character of those who direct their labor*" (109). Weld seeks to establish here that the thirst for arbitrary power makes slaveholders corrupt. Weld demonizes slaveholders to establish a just versus unjust mentality in the minds of his rhetorical audience. The just exemplified by people who believe that the system of slavery is intolerable and the unjust represented by ruthless perpetrators of the status quo.

Weld's final summation is that, "The *ownership* of human beings necessarily presupposes an utter disregard of their happiness...He who assumes it monopolizes their *whole capital*, leaves them no stock on which to trade, and out of which to *make* happiness" (109). Weld affirms here that by assuming total ownership of people as cattle, the slaveholder inevitably perpetuates an abuse of power not natural to human beings.

This analysis completes a discussion of Weld's qualitative argument in the third stasis. Weld upholds his burden as prosecutor by meticulously dissecting almost every aspect of the slaves' lives. His use of narratives and newspaper accounts affirm in great detail that slavery is consistently horrid in nature and that the slaves are constantly the subjects of injustice. His use of evidence also provides a way for his readers to vicariously experience the sufferings of slaves. The factual basis of this evidence substantiates this suffering, making it even more horrific for his audience. Having shown

that Weld upholds his burden of proof within the stasis of quality, it is to the final stasis that I turn to the next chapter of this study.



## Chapter IV. Stasis of Objection

The fourth stasis is objection, which asks the question, “Is this the proper procedure?” According to the author Ray Nadeau, “After Hermagoras, writers on the theory of stasis fell into two groups: (1) the greater number who followed his lead by including objection as the fourth major stasis, and (2) a smaller number who reduced the number of major stases to three” (378). Cicero’s Rhetorica Ad Herennium falls into the second category, making it necessary to refer to his earlier work, De Inventione, to define the classical treatment of the fourth stasis.

According to Cicero’s De Inventione, the stasis of objection, “is a controversy when the question arises as to who ought to bring the action or against whom, or in what matter or before what court or under what law or at what time, and in general when there is some argument about changing or invalidating the form of procedure” (33). Analyzing the stasis of objection in Slavery As It Is makes it necessary to address the first general category outlined by Cicero above. That is, Weld answers seven objections in his text used by slaveholders to show that abolitionists should not be acting against slavery, and that their claims were baseless. In his response Weld takes a prosecutor’s stance to objections against the plaintiff and the complaint. This area of clash falls into the category of objection because the question arises whether or not abolitionists and others are validated in their criticism of slavery and their call for its termination.

The first objection Weld addresses is that the cruelties outlined in his text are incredible. To answer this objection, Weld argues that when anyone has arbitrary power over another, then that same person will abuse that power. Weld writes, “We have said that slaveholders regard their slaves not as human beings, but as mere working animals, or merchandise... The whole vocabulary of slaveholders, their laws, their usages, and their entire treatment of their slaves fully establish this” (110). After establishing that slaveholders have arbitrary power over their victims, Weld argues that slaveholders treat their slaves worse than the livestock kept underneath their care.

Weld writes:

Whoever heard of cows or sheep being deliberately tied up and beaten and lacerated till they died... or horses coolly tortured by the hour, till covered with mangled flesh, or of swine having their legs tied and being suspended from a tree and lacerated with thongs for hours, or of hounds stretched and made fast of full length, flayed with whips, red pepper rubbed into their bleeding gashes, and hot brine dashed on to aggravate their torture? (111).

Weld ponders these questions to form an answer of no one in the minds of his readers.

In doing this, Weld makes his audience realize that slaves are treated worse than animals on southern plantations where slavery exists. After establishing this, Weld compares the abuse of arbitrary power with past examples.

Weld sets up these analogies by writing:

If the preceding considerations are insufficient to remove incredulity respecting the cruelties suffered by slaves, and if northern objectors still say, ‘We might believe such things of savages, but that civilized men and republicans, in this Christian country, can openly and by system perpetrate such enormities, is impossible.’—to such we reply, that this incredulity of the people of the free states, is not only discreditable to their intelligence, but to their consistency. (113).

Weld hopes that his audience will believe that slaveholders abuse the arbitrary power over slaves by knowing that other groups of people who have possessed arbitrary power

in the United States have done the same. Weld writes, “Who is so ignorant as not to know, or so incredulous as to disbelieve, that the early Baptists of New England were fined, imprisoned, scourged, and finally banished by our puritan forefathers” (112). In this same section Weld asserts, “Even the children in Connecticut, know that the following was once a law of that state: No food or lodging shall be allowed to a Quaker... If any person turns to Quaker, he shall be banished, and not be suffered to return on pain of death” (113). By pointing out that early religious settlers had suffered under the arbitrary power of their communities, Weld seeks to show that it is not incredible that slaves suffer underneath the power of slaveholders. If anything, Weld notes that it is consistent with the history of the country.

As a transition into the second part of his rebuttal Weld writes, “Having shown that the incredulity of the objector respecting the cruelty inflicted upon the slaves, is discreditable to his consistency, we now proceed to show that it is equally so to his *intelligence*” (115). Weld begins his argument by stating, “Whoever disbelieves the foregoing statements of cruelties, of their enormity, proclaims his own ignorance of the nature and history of man” (115). Weld seeks to refute the objection that testimony is incredible by asserting that the whole history of humanity shows that whoever possesses arbitrary power abuses it. Weld writes, “All legal restraints are framed upon the presumption, that men will abuse their power if not hemmed in by them... This lies at the bottom of all checks and balances contrived for keeping governments upon their centers” (116). Through this passage Weld notes that both governmental systems and legal systems work to prevent the abuse of arbitrary power in free societies. This being

established, it is therefore not incredible to believe that a slaveholder can abuse the power they hold over their slaves, which is absolute. Weld refutes the first objection by stating:

To deny that cruelty is the spontaneous and uniform product of arbitrary power, and that the natural and controlling tendency of such power is to make its possessor cruel, oppressive, and revengeful towards those who are subjected to his control, is, we repeat, to set at naught the combined experience of the human race, to invalidate its testimony, and to reverse its decisions from time immemorial. (117).

In using such sweeping language, Weld hopes to play upon the intelligence of his audience by hoping that their knowledge of history will prove to them that whoever possesses arbitrary power will abuse it. To further prove this, Weld employs testimony from slaveholders.

Weld first utilizes the words of President Jefferson, himself a slaveholder. In his

Notes on Virginia, Jefferson wrote:

The **WHOLE COMMERCE** between master and slave, is a **PERPETUAL EXERCISE** of the most *boisterous passions*, the most unremitting **DESPOTISM** on the one part, and degrading submission on the other... The parent *storms*, the child looks on, catches the lineaments of *wrath*, puts on the same airs in the circle of smaller slaves, **GIVES LOOSE TO THE WORST OF PASSIONS**; and thus *nursed, educated, and daily exercised in tyranny*, cannot but be stamped by it with odious peculiarities. (Weld 117)

Another statement attributed to William Fitzbush, himself a slaveholder from Virginia, reads, "Slavery, in its mildest form, is cruel and unnatural; *its injurious effects on our morals and habits are mutually felt*" (Weld 117). By providing evidence in the form of slaveholder testimony, Weld seeks to prove that even slaveholders admit that arbitrary power is unnatural and should be abolished for the sake of the slaves as well as the slaveholder. Weld concludes his use of narratives by stating:

But we need not multiply proofs to establish our position; it is sustained by the concurrent testimony of sages, philosophers, poets, statesmen, and

moralists, in every period of the world; and who can marvel that those in all ages who have wisely pondered men and things, should be unanimous in such testimony, when the history of arbitrary power has come down to us from the beginning of time, struggling through heaps of slain, and trailing her parchments in blood. (118)

In response to the first objection, Weld refutes the idea that his use of testimony is incredible by appealing to his audience's sense of consistency and intelligence. He has the reader see his complaints as credible by demonstrating the history of the abuse of arbitrary power.

The second objection addressed by Weld is that slaveholder's protest that they treat their slaves well. To set up his rebuttal to this claim Weld writes, "Self—justification is human nature; self—condemnation is a sublime triumph over it, and as rare as sublime... What culprits would be convicted, if their own testimony were taken by juries as good evidence" (121). Within this section, Weld uses specific judicial language to persuade his readers that slaveholders are on trial and that their protests of goodness towards their slaves should not be admitted as good evidence. Weld writes, "The denial of crimes, by men accused of them, goes for nothing as evidence in all *civilized* courts; while the voluntary confession of them, is the best evidence possible, as it is testimony *against themselves* and in the face of the strongest motives to conceal the truth" (121). Here Weld would persuade his audience that slaveholders' self-serving testimony about how well they treat their slaves cannot be taken seriously. To the contrary, Weld argues that the testimony of former slaveholders and the advertisements that he has used in the preceding pages are the only source of credible information in this particular trial. Weld asks his audience to ponder the two different types of testimony when he writes, "Now let candor decide between those two classes of slaveholders, which is most entitled to credit;

that which testifies in its own favor, just as self love would dictate, or that which testifies against all selfish motives and in spite of them; and though it has nothing to gain, but everything to lose by such testimony, still utters it” (122). In this passage we see Weld giving the utmost credit to the confessional tone offered by former slaveholders. Weld recognizes the importance of these narratives’ candor in describing what type of individuals they had become and eventually repented as members of the slaveholding institution. He also seeks to describe other people who protest of slavery’s goodness as fallacious arguments and not as credible testimony in a trial setting.

Weld describes the protests from slaveholders that they treat their slaves kindly as opinions and not as actual testimony. Weld writes, “Testimony respects matters of *facts*, not the giving of an opinion as to the nature or qualities of actions, or the *character* of a course of conduct” (122). Weld remarks that it is no surprise that slaveholders’ opinion themselves as kind because they are the ones perpetuating the cruelties of slavery. What is a surprise, and at once intolerable, is that slaveholders try to pass off the opinions of themselves as fact in their protests. Weld writes, “Not content with offering incense at the shrine of their own virtues, they have the effrontery to demand, that the rest of the world shall offer it, because *they* do; and shall implicitly believe the presiding divinity to be a good Spirit rather than a Devil, because *they* call him so” (122). The basic point of which Weld tries to persuade his audience is that they should not be gulled by a person’s protest of innocence because it is the easiest defense to make if one takes it is as fact.

Weld explicitly makes this point clear when he writes, “Was there ever a more ridiculous doctrine, than that a man’s opinion of his own actions is the true standard for

measuring them, and the certificate of their real qualities” (122). To provide illustration for this point, Weld uses historical examples in the form of questions for his audience to ponder. Weld writes, “Who would argue that the American Colonies were well treated by the mother country, because parliament thought so...Or that of the Jews by almost all nations, by the judgement of their persecutors...Or that of the victims of the Inquisition, by the opinions of the Inquisitor general, or of the Pope and his cardinals” (122). Weld uses these historical examples to argue that those who abuse their victims will of course deny that they have done so according to their own opinion. Weld directly compares slaveholders to his historical examples when he writes, “Our slaveholders chime lustily the same song, and no man with human nature within him, and human history before him, and with sense enough to keep him out of the fire, will be gulled by such professions, unless his itch to be humbugged has put on the type of a downright chronic incurable” (122). Weld uses this statement to appeal to his readers’ common sense in recognizing that the denial of atrocities by slaveholders is consistent with other perpetrators of tyranny in history and therefore should not be substantiated as factual testimony.

After establishing that the second objection is an opinion and not factual testimony, Weld seeks to remind the reader what “kind treatment” is in the eyes of slaveholders. Weld writes, “When we hear slaveholders say that their slaves are *well treated*, we have only to remember that they are not speaking of *persons*, but of *property*; not of men and women, but of *chattels* and *things*” (123). In this statement Weld seeks to remind his readers that hopefully unlike themselves, slaveholders see their slaves in an entirely different category of humanity than themselves, which makes it unnecessary to treat them in the same manner. Weld asserts this point when he writes of a slaveholders’

attitude towards his slaves, “To him, they do not *seem* to be cruelties; consequently, when speaking of such treatment toward such persons, he will protest that it is not cruelty; though, if inflicted upon himself or his friends, he would indignantly stigmatize it as atrocious barbarity” (123). Weld argues here that unless slaveholders see their victims as human beings, they will perpetuate their crimes with no sense of remorse and no hope for repentance.

To preview his last argument within this section Weld writes, “The objector equally overlooks another every-day fact of human nature, which is this, that cruelties invariably cease to *seem* cruelties when the *habit* is formed, though previously the mind regarded them as such, and shrunk with them in horror” (123). To illustrate this point, Weld uses testimony from former slaveholders that speak about the callous process by which they were inducted to, and eventually became members of, the institution of slavery.

In a statement attributed to Thomas Pringle, the author relates a story of one individual who has reported to the change in his own heart in regards to slavery. Pringle states that the man admits to his feelings of slavery that, “I do not appear to myself the same person I was on my arrival in this colony, and if I would give the world for the feelings I then had, I could not recall them” (Weld 125). In this same section Weld uses a quote from Charles Stuart telling about a woman who was from a Jamaican plantation but who was sent to England for her schooling. Upon her return back the woman expressed the greatest indignation at the punishment of slaves but eventually succumbed to the melancholy of slavery. In her passage she states of her transformation of protest to practice when she writes of her father’s beating of one of her favorite slaves. The author



states, “I wept in vain, and retired so grieved and disgusted, that for some days after, I could scarcely bear with patience, the sight of my own father... But many months had not elapsed ere *I was as ready as any body* to seize the domestic whip, *and flog my slaves without hesitation*” (Weld 124). In using these illustrations Weld hopes to explain that because slaveholders habitually practice the crime of slavery, they are incapable of feeling that their practices are a crime.

By addressing what slaveholders are incapable of feeling and that their protests are of a fallacious opinion, Weld refutes the objection by slaveholders that they treat their slaves kindly. He does this by asserting his own testimony as fact and by articulating why viewing slaves as chattel makes it unnecessary to treat them “kindly” by the standards of human nature and dignity.

The third objection outlined by Weld is that slaveholders are proverbial for their kindness, hospitality, benevolence, and generosity (125). To answer the assertion that slaveholders are generous to their equals Weld states, “Now that slaveholders are proverbially hospitable to their guest, and spare neither pains nor expense in ministering to their accommodation and pleasure, is freely admitted and easily accounted for” (125). Having granted to objectors that slaveholders are equitable to their equals, Weld goes on to refute that this same treatment is granted to their slaves.

To preview his argument Weld writes, “The objection consists of a fact and an inference: the fact, that slaveholders have a special care to the accommodation of their *guests*; the inference, that therefore they must seek the comfort of their slaves” (125). To refute the fallacious nature of this argument Weld writes, “Such conclusions from such premises do not call for serious refutation” (126). In this section Weld tries to illustrate

why the argument that slaveholders must be courteous to their slaves because they are that way towards others is inconsistent with other types of reasoning associated with crime and cruelties. Weld writes, “On the ground of this reasoning, all the crimes ever committed may be disproved, by showing, that their perpetrators were hospitable and generous to those who sympathized and co-operated with them” (126). By reasoning that other criminals would carry the same type of objection, Weld continues to use the judicial motif of his work and to refute the third objection.

Weld provides historical examples to emphasize his point that treating one party one way has nothing to do with treating another party in a similar manner. Weld writes, “As the Government of the United States generously gave a township of land to General La Fayette, it proves that they never defrauded the Indians of theirs” (126). In a direct analogy towards slaveholders Weld writes, “So the fact, that the slaveholders of the present Congress are, to a man, favorable to recognizing the independence of Texas...proves that these same slaveholders do *not oppose* the recognition of Hayti” (126). In using these analogies Weld points out the fallacious nature by which a person can infer justice for one party just because another is well treated.

Weld points out to his readers that, “But, seriously, no man is so slightly versed in human nature as not to know that men habitually exercise the most opposite practices toward different persons or different classes of persons around them” (126). To illustrate this point Weld provides evidence from the historical example of Rome. Of Cato “The Just” Weld writes, “Towards *freemen* his life was a model of every thing just and noble: but to his slaves he was a monster” (126). Of ancient Romans Weld writes:

No people were ever more hospitable and munificent than the Romans,  
and none more touched with the sufferings of other... Their public theatres

often rung with loud weeping, thousands sobbing convulsively at once over fictitious woes and imaginary sufferers: and yet these same multitudes would shout amidst the groans of a thousand dying gladiators, forced by their conquerors to kill each other in the amphitheater for the *amusement* of the public. (126-7)

By comparing the objection of slaveholders to past historical examples, Weld establishes as fact that a person or group can very well treat or feel towards one group very differently than another. After analogizing past historical examples, Weld seeks to directly refute the third objection by offering testimony of witnesses.

To begin his use of testimony in this section Weld writes, “The fact that slaveholders may be full of benevolence and kindness toward their equals and towards whites generally, even so much so as to attract the esteem and admiration of all, while they treat with the most inhuman neglect their own slaves, is well illustrated” (127). In testimony provided by George Avery, who resided in Virginia, the author states, “On one occasion I was crossing the plantation and approaching the house of a friend, when I met him, *rifle in hand*, in pursuit of one of his negroes, declaring he would shoot him in a moment if he got his eye upon him... It appeared that the slave had refused to be flogged, and ran off to avoid the consequences; *and yet the generous hospitality of this man to myself, and white friends generally, scarcely knew any bounds*” (Weld 127). It is the point of this narrative and others in showing the hypocritical treatment of slaveholders towards their slaves compared to their white equals.

In a narrative provided by Rev. James Dickey, a former slaveholder in South Carolina, the author states:

Yet it is candid to admit that it is not all gold that glitters... There is a fictitious kindness and hospitality... The famous Robin Hood was kind and generous—no man more hospitable—he robbed the rich to supply the necessities of the poor... Others rob the poor to bestow gifts and lavish

kindness and hospitality on their rich friends and neighbors... It is an easy matter for a man to appear kind and generous, when he bestows that which others have earned. (Weld 128)

In providing this narrative Weld shows that it is indeed only slaveholders who benefit from slavery and not slaves.

Later in his narrative Dickey writes:

I knew a man who was famed for kindly sympathies... He once took off his shirt and gave it to a poor white man... The same man hired a black man, and gave him for his *daily task*, through the winter, to feed the beasts, keep fires, and make one hundred rails: and in case of failure the lash was applied so freely, that, in the spring, his back was *one continued sore, from his shoulders to his waist*... Yet this man was a professor of religion, and famous for his tender sympathies to white men. (Weld 128)

By pointing out the hypocritical nature of slaveholders' kindness towards their peers than that of their slaves, Weld seeks to refute the third objection outlined in his book. Weld accomplishes this goal by pointing out the fallacy of reasoning from a fact and an inference. Once he establishes this point, Weld provides both historical examples and testimony to show that slaveholders may be courteous towards their white equals, while they perpetuate crimes toward their slaves.

The fourth objection Weld addresses is that northern visitors to the South say that the slaves are not cruelly treated. To answer this objection Weld writes, "Their knowledge on this point must have been derived, either from the slaveholders and overseers themselves, or from the slaves, or from their own observation" (128). In each of these three classes Weld systematically treats the reasons why their observations are inadmissible in testifying to the actual condition of slaves living in the South.

To refute the idea that testimony given to northern visitors by slaveholders or overseers is credible Weld writes, "If from the slaveholders, *their* testimony has already

been weighed and found wanting” (128). By referring to his treatment of the second objection, Weld reminds the reader that he has already exhaustively treated the reason why a person should not listen to the protests of the accused in a trial as factual testimony. Later in this section Weld writes, “Those masters in speaking of the *good* condition of their slaves, and asserting that they are treated *well*, use terms that are not *absolute* but *comparative*: and it may be, and doubtless often is *true* that their slaves are treated well *as slaves*, in comparison with the treatment received by slaves generally” (131). In this statement we see Weld reminding his readers that slaveholders may very well think that they treat their slaves well because they place them in a different category of human existence. Since slaveholders do not think of their slaves as equal citizens or even in the same type of human category, they are ambivalent to treating them as equals. Weld writes of slaveholders that, “As the great body of slaves within their knowledge *fare worse*, it is not strange that, when speaking of the treatment on their plantation, they should call it *good*” (131). Weld refutes the first class of testimony in this section by pointing out to his readers that their statements are only comparatively based upon other atrocities and not absolutely based upon human dignity and equality.

Of the second class of testimony given by slaves to northern visitors Weld writes:

If they derived it from the slaves, they can hardly be so simple as to suppose that, the *guest, associate and friend of the master* would be likely to draw from his *slaves* any other testimony respecting his treatment of them, than such as would please *him*... The great shrewdness and tact exhibited by slaves in *keeping themselves out of difficulty*, when close questioned by strangers as to their treatment, cannot fail to strike every accurate observer. (128)

To back up this assertion Weld provides testimony from Chief Justice Henderson, a North Carolina slaveholder. In refusing to admit as evidence testimony from a slave about his master the judge states:

The master has an almost *absolute control* over the body and *mind* of his slave... The master's *will* is the slave's *will*... All his acts, *all his sayings*, are made with a view to propitiate his master... His confessions are made, not from a love of truth, not from a sense of duty, not to speak a falsehood, but *to please his master*—and it is in vain that his master tells him to speak the truth, and conceals from him how he wishes the question answered... The slave *will* ascertain, or, which is the same thing, think that he has ascertained *the wishes of his master* and **MOULD HIS ANSWER ACCORDINGLY**. (Weld 129).

By providing this statement from a southern slaveholding judge, Weld hopes to prove that slaves' testimony towards their good treatment to northern visitors cannot be taken as fact because it is made through the fear of retribution and not as factual testimony regarding the quality of their lives.

To answer the objection that northern visitors protest that the slaves are well treated based upon their own observation Weld writes, "If these northern visitors derived their information that the slaves are *not* cruelly treated from *their own observation*, it amounts to this, *they did not see* cruelties inflicted on the slaves" (129). After asserting that northern visitors may not have been provided ample opportunity to see actual inflictions upon slaves, Weld provides an analogy for these same visitors. Weld writes, "They have, doubtless, visited hundreds of families at the north—did they ever see, on such occasions, the father or mother whip their children... If so, they must associate with very ill-bred persons... Because well-bred parents do not whip their children in the presence, or within the hearing of their guests, are we to infer that they never do it *out of* their sight and hearing" (129). Weld tries to persuade his readers here that the answer

should be no. He also asks his readers to stipulate the question; if northern visitors do not see cruelties, does that mean that it does not exist? Again, Weld wants his readers to respond with an emphatic no. Besides addressing this point, Weld reminds his readers that northern visitors have their own prejudices in regards to slaves. Weld writes, “But perhaps the fact that these visitors do not *remember* seeing slaveholders strike their slaves merely proves, that they had so little feeling for them, that though they might be struck every day in their presence, yet as they were only slaves and ‘niggers,’ it produced no effect upon them” (129). Here Weld reminds his readers that northern visitors can themselves be racist and blinded by their own prejudices in deciphering what is cruel treatment and what is not.

Besides addressing the role of racism in northern visitors to the South, Weld reminds his audience that there are entirely different places where slaves are actually presented to strangers. Weld asserts, “But lest we do these visitors injustice we will suppose that they carried with them to the south humane feelings remained unblunted; still, what opportunity could they have to witness the actual condition of the slaves” (130). To provide an answer to this question, Weld provides an analogy to his readers to provide what type of slaves are usually introduced to northern visitors. Weld writes, “They come in contact with the house-servants only, and as a general thing, with none but the select ones of these, the *parlor*-servants; who generally differ as widely in their appearance and treatment from the cooks and scullions in the kitchen, as parlor furniture does from the kitchen utensils” (130). In providing this analogy, Weld tries to relate to his readers that slaveholders, like any other hosts, will show their guests the best qualities of their homes and their slaves living underneath their “care.” The slaves that they are

shown are not field hands, which are the large majority of people suffering cruelties by the overseers. Weld writes, “So long as it is human nature to wear *the best side out*, so long the northern guest of southern slaveholders will see next to nothing of the reality of slavery” (130). By pointing out to his readers that northern visitors do not have the opportunity to see the reality of slavery, Weld refutes the idea that northern visitors should be viewed as credible sources of information in stating that slaves are kindly treated. Weld writes, “But all northern visitors at the south are not thus easily gulled...Many of them, as the preceding pages show, have too much sense to be caught with chaff” (130). By emphasizing the credence of his own witnesses and systematically refuting information provided by three different classes of people, Weld effectively rejects the fourth objection.

The fifth objection outlined by Weld is the protest that it is for the best interest of slaveholders to treat their slaves well. Weld uses analogies to sarcastically point out that it is in the interest for anyone to quit their negative characteristics. Weld writes, “So it is for the interest of the drunkard to quit his cups; for the glutton to curb his appetite; for the debauchee to bridle his lust; for the sluggard to be up betimes; for the spendthrift to be economical, and for all sinners to stop sinning” (132). In providing these analogies, Weld points out to his readers that like others, it is in the best interest for slaveholders to treat their slaves well because to do otherwise would be to perpetuate evil. Weld writes, “The whole history of man is a record of real interests sacrificed to present gratification” (132). Weld’s argument here is that although it is in the best interest of slaveholders to treat their slaves humanely, they do not so they can attend to other gratifications.



In answering the objection that it is in the monetary interest of slaveholders to treat their slaves well, Weld writes, “But even if the love of money were the strongest human passion, who is simple enough to believe that it is all the time so powerfully excited, that no other passion or appetite can get mastery over it... Who does not know that gust of rage, revenge, jealousy and lust drive it before them as a tempest tosses a feather” (132). In providing this statement, Weld seeks to prove that money is an excuse and not a real interest for other gratifications.

Weld points out to his readers that those inflictions suffered by the slaves’ spirit are actually more degrading than other forms of abuse that objectors say should not be used as punishments against slaves. Weld writes, “Besides, a master can inflict upon his slave horrible cruelties without perceptibly injuring his health, or taking time from his labor, or lessening his value as property” (132). Of the psychological damage suffered by slaves, Weld states, “By this kind of infliction, mere actual cruelty can be perpetuated in the giving of pain at the instant, than by the most horrible bruising and lacerations; and that, too, with little comparative hazard to the slave’s health, or to his value as property, and without loss of time from labor” (132). By pointing out that the psychological damage can be greater than physical cruelty, Weld seeks to refute the idea that it is in the best interest for slaveholders to treat their slaves well just because of their monetary interest. In fact, Weld seeks to establish that in some cases it is actually beneficial for slaveholders to treat their slaves cruelly for their monetary interest. Weld writes, “But we go further, and maintain that in respect to large classes of slaves, it is for the *interest* of their masters to treat them with barbarous inhumanity” (132-3). To articulate this

position, Weld describes nine different classes of slaves and why these groups are particularly vulnerable to the “interests” of slaveholders.

The first group is old slaves. Weld writes, “It would be for the interest of the masters to shorten their days” (133). The second group is worn out slaves. Weld writes, “Multitudes of slaves by becoming overworked, have their constitutions broken in middle life...It would be *economical* for masters to starve or flog such to death” (133). The third group is the incurably diseased and maimed. Weld writes, “In all such cases it would be *cheaper* for masters to buy poison than medicine” (133). The fourth group is the blind and insane. Weld writes of slaveholders that, “As all such would be a tax on him, it would be for his interest to shorten their days” (133). The fifth group is the deaf and dumb, and persons greatly deformed. Weld comments, “Such might or might not be serviceable to him; and few men carry burdens when they can throw them off” (133). In providing these comments on the first five classes of slaves, Weld seeks to prove to his readers that in some cases it is the actual interest of slaveholders to murder their slaves rather than to protect them.

The sixth class described by Weld is feeble infants. Weld states, “As much would require much nursing, the time, trouble and expense necessary to raise them, would generally be more than they would be worth as *working animals*” (133). Later Weld writes, “To buy slaves when nearly grown, from the northern slave states, would be *cheaper* than to raise them” (133). In providing these comments Weld seeks to describe why it is in the “interest” of slaveholders to habitually break up families or to never allow the idea of having a family to begin in the first place.

The seventh class of slaves outlined by Weld is incorrigible ones. In describing this class Weld writes, “These are frequently slaves of uncommon minds, who feel so keenly the wrongs of slavery that their proud spirits spurn their chains and defy their tormentors” (133). Weld states that these slaves are of a particular nuisance to slaveholders because their example provides hope in others. Therefore, Weld notes, “It is the *interest* of the masters to put upon such slaves iron collars and chains, to brand and crop them; to disfigure, lacerate, starve and torture them—in a word, to inflict upon them such vengeance as shall strike terror into the other slaves” (133). The eighth class described by Weld is runaways. Weld writes, “When a slave has once runaway from his master and is caught, he is thence forward treated with severity...It is for the interest of the master to make an example of him, by the greatest privations and inflictions” (133). In providing a description of these two classes of slaves, Weld reminds his readers that it is always in the “interest” of slaveholders to think of their slaves as a collective body. If one slave rebels against the system then they must be punished in a manner that strikes terror into the others.

The ninth class of slaves outlined by Weld is hired slaves. Weld writes that, “It is for the interest of those who hire slaves to get as much out of them as they can; the temptation to overwork them is powerful” (133). The final class of slaves described by Weld is those slaves whose wages are proportioned to the crop that they raise. Weld writes, “This is an arrangement common in the slave states, and in its practical operation is equivalent to a bounty on *hard driving*...a virtual premium offered to overseers to keep the slaves whipped up to the top of their strength” (133). In providing these two classes of slaves, Weld seeks to remind his audience that the monetary “interest” of slaveholders

requires them to gain as much crop as possible by working their slaves as much as possible which in turn creates more cruelty.

Besides addressing the different classes of slaves where it makes it more beneficial to perpetuate cruelty, Weld outlines seven different causes of crop cultivation that make it necessary to perpetuate cruelties. The first cause is the early market. Weld writes, "If the planter can get his crop into market early, he may save thousands which might be lost if it arrived later" (134). The second cause is the changes in the market. Weld writes, "A sudden rise in the market with the probability that it will be short, or a gradual fall with a probability that it will be long, is a strong temptation to push his slaves to the utmost" (134). The third cause is high prices. Weld notes, "Whenever the slave grown staples bring a high price, as is not the case with cotton, every slaveholder is tempted to overwork his slaves... By forcing them to do double work for a few weeks or months, while the price is up, he can *afford* to lose a number of them and to lessen the value of all by overdriving" (134). The fourth cause is untimely seasons. Weld writes, "When the winter en croaches on the spring, and makes late seed time, the first favorable weather is a temptation to overwork the slaves, too strong to be resisted by those who hold men as mere working animals" (134). The fifth cause is periodical pressure of certain kinds of labor. Weld uses the cultivation of sugar as an example. Weld notes, "It would be for the interest of the sugar planter greatly to overwork his slaves, during the annual process of sugar-making" (134). The sixth cause addressed by Weld is times of scarcity. In terms of the food supplied to slaves as subsistence being scarce, Weld asserts, "If this happens when the staple which they raise is at a low price, it is for the interest of the master to put the slave on short rations, thus forcing him to suffer from

hunger” (135). The final cause addressed by Weld is the raising of crops for exportation. Weld notes, “In all those states where cotton and sugar are raised for exportation, it is, for the most part, more profitable to buy provisions for the slaves than to raise them. In providing this statement, Weld hopes to convince his readers that since crops are directly related to the monetary interests of slaveholders, it makes more sense to give their slaves less food and sustain cruelty for the sake of profit.

To summarize his rebuttal to the fifth objection Weld writes, “Finally, we conclude this head by turning the objector’s negative proposition into an affirmative one, and state formally what has already been proved...*It is for the interest of slaveholders, upon their own principles, and by their own showing, TO TREAT CRUELLY, the great body of their slaves*” (138). By systematically treating the interests of slaveholders in regards to classes of slaves and different causes of crop cultivation, Weld refutes the idea that it is in the best interest of slaveholders to treat their slaves well. He does this by showing where slaveholder’s treatment of people and situations make it more beneficial to perpetuate cruelty and therefore rejects the fifth objection.

The sixth objection Weld outlines is “the fact that the slaves multiply so rapidly proves that they are not inhumanly treated, but are in a comfortable condition” (139). To answer this objection, Weld provides five reasons why no one should take this argument as fact. Weld’s first reason is explained by referring to an earlier argument in his book. Weld writes, “It has been already shown under a previous head, that, in considerable sections of the slave states, especially in the South West, the births among slaves are fewer than the deaths, which would exhibit a fearful decrease of the slave population in those sections, if the deficiency were not made up by the slave trade from the upper

country” (139). In providing this statement Weld seeks to remind his readers that if not for importing slaves from other regions and kidnapping them illegally, certain slave populations would cease to exist because of the hardships of slavery not allowing natural population increases to occur.

The second reason to refute this objection according to Weld is:

The fact that all children born of slave *mothers*, whether their fathers are whites or free colored persons, are included in the census with the slaves, and further that all children born of white mothers, whose fathers are mulattos or blacks, are also included in the census with colored persons and almost invariably with *slaves*, shows that it is impossible to ascertain with any accuracy, *what is the actual increase of the slaves alone*. (139)

In asserting this reason Weld seeks to point out the faulty logic associated with gathering a census of the slave population. Since almost all children associated with blacks are categorized as slaves when they are actually not in terms of their parents’ status, it is fallacious to add them to the census of the slave population.

The third reason supplied by Weld in pointing out that some slaves are actually kidnapped from Africa or elsewhere and not born into the slaveholding institution of the South. Weld writes, “The fact that thousands of slaves, generally in the prime of life, are annually smuggled into the United States from Africa, Cuba, and elsewhere, makes it manifest that all inferences drawn from the increase of the slave population, which do not make large deductions, for constant importations, must be fallacious” (139). To back up this assertion, Weld provides testimony from a Mr. Middleton of South Carolina. In a speech before Congress in 1819, he declared, “THIRTEEN THOUSAND AFRICANS ARE ANNUALLY SMUGGLED INTO THE SOUTHERN STATES” (Weld 139).

According to Rev. Horace Moulton, who resided in Georgia, “Were you to visit all the plantations in South Carolina, Georgia, Alabama, and Mississippi, I think you would be

convinced that the horrors of the traffic in human flesh have not yet ceased...I was *surprised to find so many that could not speak English among the slaves*, until the mystery was explained” (139). In providing these statements Weld seeks to prove that the crime of kidnapping still occurs and because of this, the numbers in censuses are misleading and should not be trusted. Besides addressing the crime of kidnapping outside the United States, Weld argues that the act occurs within our own borders.

In providing the fourth reason to reject the idea that slaves must be kindly treated because their population increases, Weld writes, “It is a notorious fact, that large numbers of free colored persons are kidnapped every year in the free states, taken to the south, and sold as slaves” (139). To provide evidence for this claim, Weld uses testimony of witnesses. In a statement provided by George Stroud, a judge from Philadelphia, the author states:

Remote as is the city of Philadelphia from those slaveholding states in which the introduction of slaves form places within the territory of the United States is freely permitted, and where also the market is tempting, *it has been ascertained*, that MORE THAN THIRTY FREE COLORED PERSONS, MOSTLY CHILDREN, HAVE BEEN KIDNAPPED HERE, AND CARRIED AWAY, WITHIN THE LAST TWO YEARS. (Weld 140)

One New York newspaper announces, “‘Beware of kidnappers!’—It is well understood, that there is at present in this city, a gang of kidnappers, busily engaged in their vocation, of stealing colored children for the southern market” (140). In printing these stories Weld seeks to persuade his readers that since free people are being kidnapped to be sold into slavery, slave populations are not as great according to their census because of the illegal practices used to influence their numbers.

Weld concludes his discussion of this reason by pointing out that every census is influenced by the evil practice of slavery. Weld asserts, “It would be easy to fill scores of pages with details similar to the preceding... We have furnished enough, however, to show, that, in all probability, *each* United States’ census of the *slave* population, is increased by the addition to it of *thousands* of free colored persons, kidnapped and sold as slaves” (142). Here Weld refutes the idea that slaves must be well treated because of their population increase.

The last reason given by Weld used to reject the sixth objection is that although some slave populations may increase, it does not mean that they are treated without cruelty. Weld writes, “They may suffer much hardship, and great cruelties, without experiencing so great a derangement of the vital functions as to prevent child—bearing” (142). Weld provides an example from history to support this assertion. Weld states, “The Israelites multiplied with astonishing rapidity, under the task—masters and burdens of Egypt... Does this falsify the declarations of Scripture, that ‘they sighed by reason of their bondage,’ and that the Egyptians ‘made them serve *with rigor*’ and made ‘their lives bitter with *hard bondage*’” (142). By referring to this historical example of Scripture, Weld seeks to refute the idea that slaves must be treated well because of the size of their population.

In providing the five reasons of his rebuttal, Weld rejects the claim that slaves must be treated well because of the increase in their population. By addressing the faulty logic in gathering the information of these censuses and showing that numbers do not correlate to the quality of life suffered by slaves, Weld successfully rejects the sixth objection offered in his book.



The final objection Weld treats is slaveholders' view that public opinion, formulated as law, acts as protection to slaves: "It was public opinion that *made man a slave*... In a republican government the people make the laws, and those laws are merely public opinion *in legal forms*" (143). To refute the logic of this argument, Weld asserts, "public opinion made them slaves, and keeps them slaves; in other words, it sunk them from men to chattels, and now, forsooth, this same public opinion will see to it, that these *chattels* are treated like *men*" (143). To advance his argument, Weld points out some of the contradictions within southern laws and contradictions between the expression and the practice of southern law relevant to slavery.

The first contradiction he addresses is grounded in the presumption that law protects property. Weld writes, "It protects the slaves from *robbery*, by declaring that those who robbed their mothers may rob them and their children" (143). To provide evidence of this contradiction, Weld uses the law of slaveholding states. One such law comes from South Carolina which Weld quotes as stating, "All negroes, mulattoes, or mestizoes who now are, or shall here after be in this province, and all their offspring, are hereby declared to be, and shall remain, forever, hereafter, absolute slaves, and shall follow the condition of the mother" (143). By using textual evidence from slaveholding states, Weld shows that it is actually public opinion that forces slaves to live in their deplorable condition.

In pointing out another contradiction Weld has his reader infer that just as law is supposed to protect your property, southern law: "protects their *persons*, by giving their master a right to flog, wound, and beat them when he pleases" (143). Again, Weld provides textual evidence by pointing out court decisions made by slaveholding states. In

the case of the State vs. Cheetwood, the Supreme Court of South Carolina decided, “The criminal offence of assault and battery *cannot at common law, be committed to the person of a slave*... For, notwithstanding for some purposes a slave is regarded in law as a person, yet generally he is a mere chattel personal, and his right of personal protection belongs to his master, who can maintain an action of trespass for the battery of his slave” (143). By pointing out that some state laws sanction cruelty upon slaves, Weld justifiably points out that public opinion is actually a protection for perpetrators of injustice and not a benefit to slaves themselves.

Besides these two contradictions, Weld provides an extensive list of others when he asserts:

This ‘public opinion’ protects the *persons* of the slaves by depriving them of Jury trial; their *consciences*, by forbidding them to assemble for worship, unless their oppressors are present; their *characters*, by branding them as liars, in denying them their oath in law; their *modesty*, by leaving their master to clothe, or let them go naked, as he pleases; and their *health*, by leaving him to feed or starve them, to work them, wet or dry, with or without sleep, to lodge them, with or without covering, as the whim takes him; and their *liberty*, marriage relations, parental authority, and filial obligations, by *annihilating* the whole. (143)

Although Weld does not provide specific evidence after this passage, the entire text seeks to prove the deplorable nature of slavery. In providing this extensive list of contradictions, Weld asserts to his readers that laws in slaveholding states perpetuate the evils that, in the minds of slavery’s defenders, the laws supposedly were designed to erase. Weld tries to show that public opinion in the form of law is actually designed to manifest and wield power over those who do not have a voice for themselves in judicial communities.

Besides addressing the contradictions inherent in southern laws, Weld identifies injustices suffered by slaves in the form of penalties found in some slaveholding state laws. One law of North Carolina reads, “Any person may lawfully kill a slave, who has been outlawed for running away and lurking in swamps, &c” (144). Another law of South Carolina reads, “A slave *endeavoring* to entice another slave to runaway, if provisions, &c...be prepared for the purpose of aiding in such running away, shall be punished with DEATH” (144). A law of Georgia reads, “If any slave shall presume to strike any white person, such slave shall, upon trial and conviction before the justice or justices, suffer such punishment for the first offence as they shall think fit, not extending to life or limb; and for the second offence, DEATH” (144). By showing the extensive degree of the penalties associated with slave state law, Weld shows that public opinion formulated into law is actually an attack on slaves and not a protection provided for them.

After asserting that penalties do not serve as protection to slaves, Weld articulates that laws designed by slave states actually serve as a protection to slaveholders’ property. To provide evidence for this argument, Weld refers to two state laws of Louisiana:

The one attaches a penalty ‘not exceeding one thousand dollars,’ and ‘imprisonment not exceeding two years,’ to the crime of ‘cutting or breaking any iron chain or collar,’ which any master of slaves has used to prevent their running away; the other, a penalty ‘not exceeding five hundred dollars,’ to ‘willfully cutting out the tongue, putting out the eye, *cruelly* burning, or depriving any slave of *any limb*. (145).

Weld shows the reader that penalties are actually more severe for those trying to free slaves than they are for those permanently disfiguring them. The reader can thus infer that laws are designed for the property of slaveholders rather than the personal protection of slaves themselves.

In another argument showing the importance of law for the purpose of protecting slaveholding property, Weld articulates the monetary interest involved with slave law. Of one South Carolina law Weld writes, “It provides, that if a slave, engaged in his owner’s service, be attacked by a person ‘not having sufficient cause for so doing,’ and if the slave shall be ‘*maimed or disabled*’ by him, so that the owner suffers a loss from his inability to labor, the person maiming him shall pay for his ‘lost time,’ and ‘also the charges for the cure of the slave’” (145). Weld shows here that nowhere in this provision does it speak for the injustice suffered by the slave. Instead, the law is written for the monetary interest of slaveholders themselves in protecting their property.

Weld increases the horror implicit in this clash between property and personhood by showing that slaves are actually treated less than other forms of property. He writes, “A law similar to the above has been passed in Louisiana, which contains an additional provision for the benefit of the *master*—ordaining, that ‘if the slave’ (thus *maimed and disabled*,) ‘be forever rendered unable to work,’ the person maiming, shall pay the master the appraised value of the slave before the injury, and shall, in addition, *take* the slave, and maintain him during life” (145). In providing this citation, Weld seeks to show that the law has been designed for the monetary interest of the master and not the slave. The reader is left to ponder what type of horrid miseries lay in wait for a person forced upon another who first tortured and who now will be in charge of their bodily existence.

To summarize the arguments in the beginning of this section Weld writes, “The foregoing illustrations of southern ‘public opinion,’ from the laws made by it and embodying it, are sufficient to show, that, so far from being an efficient protection to the slaves, it is their deadliest foe, persecutor and tormentor” (146). Besides addressing the

many contradictions between the supposed purposes of law and the practice of slave law, Weld attacks the belief that the letter of the law is a protection to the lives of slaves.

Weld's argument on this point is that although the words of the law may claim to protect the lives of the slaves, it is a mute protection because of the southern court system's refusal to abide by it. Weld points out that in every southern state there are laws guaranteeing the protection of whites from murder. However, Weld asserts that, "The editors of southern newspapers openly vaunt, that every abolitionist who sets foot in their soil, shall, if he be discovered, be hung at once, without judge or jury... What mockery to quote the *letter of the law* in those states, to show that abolitionists would have secured to them the legal protection of an impartial trial" (146). In asserting this passage, Weld argues that despite the word of law, public opinion in the South dictates a refusal to abide by it. The reader is left to ponder whether or not the law rings true for every white citizen. If it does not hold true for abolitionists from the North, can it be seen to hold up for slaves? After all, as Weld shows this letter of law purports to protect slaves, but does not because public opinion, expressed or not as law in the South, prevents this protection: "The law does not, in reality, protect the life of the slave... But even if the *letter* of the law would fully protect the life of the slave, 'public opinion' in the slave states would make it a *dead* letter" (146). Weld states this point explicitly in his summary: "It has been already abundantly shown in the preceding pages, that the public sentiment of the slaveholding states toward the slaves is diabolical... Now, if there were laws in those states, the *words* of which granted to the life of the slave the same protection granted to that of the master, what would they avail" (147). By addressing the difference between

words and actions, Weld persuades his readers to believe that despite what the laws of the South may say, the slaves are continuously unprotected by them.

To illustrate the hollow nature of slaveholding state laws, Weld uses an example from North Carolina. After acknowledging that the law in question provides slaves the same protection against murder as any other citizen, Weld addresses the conclusion of the provision. Weld quotes it as stating, “Provided, always, this act shall not extend to the person killing a slave outlawed by virtue of any act of Assembly of this state; or to any slave in the act of resistance to his lawful overseer, or master, or to any slave dying under their *moderate correction*” (148). After quoting this law Weld establishes three points. First, Weld notes, “It gives free license to all persons to kill *outlawed slaves*” (148). Secondly, Weld states that, “The proviso grants full license to a master to kill his slave, if the slave *resist* him” (148). Finally, Weld asserts, “Dying under moderate *correction*... Moderate *correction* and DEATH—cause and effect” (148). By advancing these three points, Weld seeks to prove to his readers that the law under question is hollow to the protection of slaves’ lives. If slaves seek to break bondage or refuses to be tortured, then under the guise of law claiming to protect them, they can be murdered through moderate correction. Weld asserts, “Here is a formal proclamation of impunity to murder—an express pledge of ‘acquittal’ to all slaveholders who wish to murder their slaves, a legal absolution—an indulgence granted before the commission of a crime” (148). Through the use of this example, Weld wishes his audience to infer that the rest of the laws guaranteeing “protection” to slaves are just as meaningless and corrupt in nature.

After addressing the falsity of the letter of the law argument, Weld further advances his claim about failure of legal protection by showing that slaves are denied

recourse even to their own testimony: “But there is still another fact, showing that all laws which profess to protect the slaves from injury by the whites are a mockery... It is this—that the testimony, neither of a slave nor of a free colored person, is *legal* testimony against a white” (148). Here Weld argues that by stripping slaves of the most basic of their judicial rights, southern law makes it impossible to prosecute slaveholders guilty of atrocities. Weld states, “Injuries must be legally ‘proved’ before they can be legally *redressed*: to deprive men of the power of *proving* their injuries, is itself the greatest of all injuries; for it not only exposes to all, but invites them, by a virtual guarantee of impunity, and is thus the ‘author’ of all injuries” (149). Weld notes that by stripping the slaves of the most basic judicial right, southern law makes the perpetuator of crimes untouchable to prosecution.

Weld points out to his readers that it is usually the overseer who is solely responsible for working the slaves and it is he who usually inflicts cruelties upon them. This being the case, the opportunity for white persons to witness and come to the defense of slaves is usually impossible. To prove this, Weld offers as evidence a court decision made in the South. Weld cites a case from the Supreme Court of Louisiana, in a decision of Crawford vs. Cherry, where a person was sued for the value of a slave who had been shot and killed. The court wrote, “The act charged here, is one *rarely* committed in the presence of ‘witnesses’” (149). Of course these “witnesses” are white citizens and without the benefit of peer testimony, slaves are left to die without hope for justice from the court system.

Another argument made by Weld to refute the idea of law as protection is the hypocrisy of punishment between slaveholders and slaves. Weld writes, “Another proof

that ‘public opinion,’ in the slave states, plunders, tortures, and murders the slaves, instead of *protecting* them, is found in the fact, that the laws of slave states inflict *capital* punishment on slaves for a variety of crimes, for which, if their masters commit them, the legal penalty is merely *imprisonment*” (149). To prove this assertion Weld uses textual evidence from southern laws. Weld writes, “Judge Stroud, in his Sketch of the Laws of Slavery, says, that, by the laws of Virginia, there are ‘seventy—one’ crimes for which slaves are capitally punished, though in none of these are whites punished in a manner more severe than by imprisonment in the penitentiary” (149). Another example comes from Mississippi. Weld notes, “In Mississippi, slaves are punished capitally for more than ‘thirty’ crimes, for which whites are punished only by fine or imprisonment, or both” (149). Weld provides other examples as well: “In South Carolina slaves are punished capitally for ‘nine’ more crimes than the whites—in Georgia, for ‘six’—and in Kentucky, for ‘seven’ more than whites, &c” (149). By addressing the inequalities inherent in southern state law, Weld again refutes the idea that law serves as protection to southern slaves.

Besides asserting that the law is not a protection to slaves, Weld alerts the reader to the knowledge that slaves suffer from the laws of the South without having knowledge of its existence or its consequences. Weld writes of the slave that, “He cannot ‘read’—he cannot ‘learn’ to read; if he try to master the alphabet, so that he may spell out the words of the law, and thus avoid its penalties, the law shakes its terrors at him; while at the same time, those who made the laws refuse to make them known to those for whom they are designed” (149). Weld observes the consequences of this condition are that slaves are only able to obtain the knowledge of what they might be judged by through the use of



punishment. Weld writes, “The slave is left to get a knowledge of these laws as he can, and cases must be of constant occurrence of the south, in which slaves get their first knowledge of the existence of a law by suffering its penalty” (149). By pointing out that slaves have no knowledge of laws and are not allowed to learn through imposed illiteracy, Weld once again shows his readers that the protection of slaves through public opinion is a fallacy, and that instead it serves as subsistence for evil.

In the next section of his text, Weld outlines six ways southern slaveholding opinion rejects fundamental principles of law assumed to be inherent for every individual. The first principle addressed by Weld is that in law, the benefits should outweigh the burdens for every individual. In arguing what law is to a slave Weld asserts, “Law is to him all exactions and no protection: instead of lightening his *natural* burdens, it crushes him under a multitude of artificial ones; instead of a friend to succor him, it is his deadliest foe, transfixing him at every step from the cradle to the grave” (150). Weld argues here that the laws of the South are unnaturally balanced in favor of creating a ridiculous amount of restrictions to keep the slaves as subservient human beings. Weld writes, “The same law which makes him a *thing* incapable of obligation, loads him with obligations superhuman—while sinking him below the level of a brute in dispensing its *benefits*, he lays upon him burdens which would break down an angel” (150). Besides this unnatural balance of power found inherent within southern law books, Weld addresses specifically the role of innocence in judicial judgement.

Weld’s view on this second principle is that southern laws reject the fundamental right of innocence before guilt. Weld states, “Slaveholders make innocence free plunder; this is their daily employment; their laws assail it, make it their victim, inflict upon it all,

and, in some respects, more than all the penalties of the greatest guilt” (150). Weld points out to his readers that although they may enjoy the right of innocence before being found guilty, the slaves of the South do not. If anything, they are found guilty upon birth and are left to suffer daily the judgment of slavery for a sentence of life.

The third principle addressed by Weld is the role of liberty and punishment. Weld states, “*Deprivation of liberty is one of the highest punishments of crime*; and in proportion to its justice when inflicted on the innocent; this terrible penalty is inflicted on two million seven hundred thousand, innocent persons in the Southern states” (150). Again, Weld points out to his readers that despite not doing anything besides being born, slaves are stripped of their liberty that every other American citizen enjoys as a birthright.

Weld states as the fourth principle, “*Self—preservation and self—defense*”, which he claims is “universally regarded as the most sacred of human rights;” He points out, however, that “the laws of slave states punish the slave with *death* for exercising these rights in that way, which in others is pronounced worth of the highest praise” (150). Here, Weld argues that every person has the right to choose freedom and if freedom is taken away, the right to fight for it. But this is not the case for slaves. The laws of the slave states make it a capital punishment to pursue a right that everyone else enjoys in the free world.

The fifth principle Weld outlines is the role of safeguards for unprotected citizens. Weld writes:

Every principle of justice and equity requires, that, those who are totally unprotected by birth, station, wealth, friends, influence, and popular favor, and especially those who are the innocent objects of public contempt and prejudice, should be more vigilantly protected by law, than those who are so fortified by defense, that they have far less need for *legal* protection; yet the poor slave who is fortified by *none* of these *personal* bulwarks, is

denied the protection of law, while the master, surrounded by them all, is panoplied in the mail of legal protection, even to the hair of his head; yea, his very shoe—tie and coat—button are legal proteges. (150-1)

In this fifth principle we see Weld once again addressing the unnatural balance of power found inherent within southern law. Weld argues that if anything, the laws of the South should grant more protection for slaves who are at birth regulated to captivity. Instead, the laws are created in such a way as to create more burdens for those who have the most forced upon them in the South.

The final principle addressed by Weld concerns the relationship between the natural rights of citizens and the laws created to protect them. Weld writes, “The grand object of law is to *protect men's natural rights*, but instead of protecting the natural rights of the slaves, it gives slaveholders license to wrest them from the weak by violence, protects them in holding their plunder, and *kills* the rightful owner if he attempt to recover it” (151). Here Weld argues that instead of enjoying the natural rights protected by our government for every other citizen, the laws of the South protect the slaveholders who habitually strip the freedoms of slaves.

Weld points out to his readers that, “In a Republican government, *law* is the pulse of its *heart*—as the heart beats the pulse beats, except that it often beats *weaker* than the heart, never stronger—or to drop the figure, laws are never *worse* than those who make them, very often better” (151). Through the use of this metaphor, Weld tries to persuade his audience to believe that if laws are created unjustly, then the actions committed by the people sanctioning those laws are a true index of those peoples’ feelings towards a class of citizens. Weld writes, “If the laws are in a high degree cruel and inhuman, towards any class of persons, it proves that the feelings habitually exercised towards that class of

persons, by those who make and perpetuate those laws, are of at least *equally* cruel and inhuman” (151). Besides asserting that the laws of the South are created in a spirit of malice towards slaves, Weld argues that the laws of the South sanction more crimes. Weld states, “Further, when cruelty is the *spirit* of the law towards a proscribed class, when it *legalizes great outrages* upon them, it connives at, and abets *greater* outrages, and is virtually an accomplice of all who perpetuate them... Hence, in such cases, though the *degree* of the outrage is illegal, the perpetrator will rarely be convicted, and even if convicted, will be almost sure to escape punishment” (151). In this statement we see Weld aligning the law of the South with a criminal accomplice. Since the law of the South refuses to protect slaves and instead grants full sanction to the crimes of slaveholders, it automatically becomes guilty itself.

After establishing that southern law itself is guilty of crimes against humanity, Weld articulates where evidence of this fact can be found: “If this be slander and falsehood, their own lips have uttered it, their own fingers have written it, their own acts have proclaimed it; and however it may be with their *morality*, they have too much human nature to perjure themselves for the sake of publishing their own infamy” (151). Here Weld once again sets up slaveholder testimony as evidence. To reject the idea that the laws of the slave states protect their victims Weld asserts, “We lay it down as a truth that can be made no plainer by reasoning, that the same ‘public opinion,’ which restrains men from *committing* outrages, will restrain them from *publishing* such outrages, if they do commit them” (151). Weld shows through evidence that this statement is an ironic confirmation of the debasement caused by slavery. Normally, the “public opinion” that prompts one to right conduct will also restrain one from printing wrong conduct. Weld

argues that southern society is so debased that the law sanctions cruelty and this fact is reflected in its journalism and advertising. Weld documents this systematically by providing different categories where the public opinion of the South is shown to be the last place where slaves can turn for protection from their oppressors.

The first category of public opinion that Weld seeks to establish as showing habitual cruelty is the manifestation between the present and past actions of the South's white citizenry. Weld writes, "The following advertisements, testimony, &c. will show that the slaveholders of *today* are the *children* of those who shot, and hunted with bloodhounds, and burned over slow fires, the slaves of half a century ago; the worthy inheritors of their civilization, chivalry, and tender mercies" (156). The following examples are newspaper accounts that Weld uses as evidence to prove his claim.

The *Wilmington Advertiser* of North Carolina prints an advertisement on July 13, 1838, which reads, "\$100 will be paid to any person who may apprehend and safely confine in any jail in this state, a certain negro man, named Alfred... And the same reward will be paid, if satisfactory evidence is given of *his having been* KILLED... He has one or more scars on one of his hands, caused by his having been shot" (156).

Another example shows that the public opinion of the South openly condones murder. A wanted advertisement in the Newbern *Spectator* on December 2, 1836, reads, "I will give the reward of one hundred dollars for each of the above negroes, to be delivered to me or confined in the jail of Lenoir or Jones county, or FOR THE KILLING OF THEM, SO THAT I CAN SEE THEM" (156). Another advertisement shows that the public opinion sanctions the capture of runaway slaves by any means necessary.

An advertisement in the St. Francisville *Chronicle* of Louisiana, printed on February 1, 1839, reports, “Two or three days since a gentlemen of this parish, in *hunting runaway negroes*, came upon a camp of them in the swamp on Cat Island...He succeeded in arresting two of them, but the third made flight; and upon *being shot in the shoulder*, fled to a sluice, where the *dogs succeeded* in drowning him before assistance could arrive” (160). Weld uses examples such as these to prove to his readers that the public opinion of his times is in direct resemblance of the opinion of the past southern institution. Weld persuades his audience that cruelties practiced today are not scattered exceptions, but a habitual practice of murder sanctioned by the South’s citizens. The use of advertisements from the past are used to show that the same type of audacious reporting existed in earlier times, just as it existed contemporaneously to Weld’s publication.

Another category that Weld addresses is the lack of protection of slaves’ health as reflected in public opinion. Weld argues in this section that it is a known fact that slaves are imported to the South and die as a result of a new climate and intolerable working conditions. Weld writes:

That such is the case is sufficiently proved by the care taken by all who advertise for sale or hire in Louisiana, Mississippi, Alabama, Arkansas, &c. &c. to inform the reader, that their slaves are ‘Creoles,’ ‘southern born,’ ‘country born,’ &c...or if they are from the north, that they are ‘acclimated,’ and the importance attached to the *acclimation*, is shown in the fact, that it is generally distinguished from the rest of the advertisements either by *italics* or CAPITALS. (161)

From the *Planters’ Intelligencer* of Louisiana the advertisement states, “Probate sale—Will be offered for sale at Public Auction, to the highest bidder, **ONE HUNDRED AND THIRTY** *acclimated* slaves” (162). Besides proving that the public opinion of the South

values acclimated slaves, here Weld shows the logical implication that the process of being brought into the environment kills some of the slaves forced to work in the South. He does this by printing an article found in a Louisiana paper. A writer in the New Orleans *Argus* reported in an article about the cultivation of sugar cane, that, “The loss by *death* in bringing slaves from a northern climate, which our planters are under the necessity of doing, is not less than TWENTY—FIVE PERCENT” (162). In this section Weld seeks to prove that the public opinion of the South is a reflection on slaveholders’ attitudes towards the health of their slaves.

Another category that Weld shows evident in public opinion is the lack of protection granted to slaves or free blacks in regards to their personal liberty. Weld uses advertisements from southern newspapers to show that this protection does not exist. An advertisement printed in the Grand Gulf *Advertiser*, reads, “COMMITTED to the Jail of Tuscaloosa county, a negro man, who says his name is Robert Winfield, and *says he is free*” (163). Besides printing an advertisement that shows a slave proclaiming his freedom, one use of evidence shows the audacity of a slaveholder admitting that his slave was born free. In the Memphis *Enquirer* of Tennessee the slaveholder asks, “\$50 reward...Runaway, from the subscriber, on Thursday last, a negro man named Isaac, 22 years old, about 5 feet 10 or 11 inches high, dark complexion, well made, full face, speaks quick, and very correctly for a negro...*He was originally from New York*, and no doubt will attempt to pass himself as free” (163). In reproducing these advertisements for his readers, Weld seeks to prove that the public opinion of the South so tarnishes the value of liberty that even a runaway or free black’s assertion of freedom, a basic right for whites, is used against blacks for the benefits of the slavery institution. Weld seeks to

persuade his readers that within whites' attitudes no one who is black in the South is granted liberty. Weld shows that in the South, there is a presumption of slavery that comes from being black, regardless of whether a black person is in fact legally free.

Besides treating the bodily protection offered by public opinion, Weld addresses its role in relation to the domestic ties of slaves in the South. Weld writes:

The barbarous indifference with which slaveholders regard the forcible sundering of husbands and wives, parents and children, brothers and sisters, and the unfeeling brutality indicated by the language in which they describe the efforts made by the slaves, in their yearnings after those from whom they have been torn away, reveals a 'public opinion' towards them as dead to their agony as if they were cattle... It is well nigh impossible to open a southern paper without finding evidence of this. (164)

The following are examples.

From the Savannah *Republican*, the print reads, "\$20 reward for my negro man Jim... Jim is about 50 or 55 years of age... It is probable he will aim for Savannah, as he said *he had children* in that vicinity" (165). The Richmond *Compiler* prints, "Ranaway from the subscriber, Ben... He ran off without any known cause, and *I suppose he is aiming to go to his wife, who was carried from the neighborhood last winter*" (165). The Norfolk *Beacon* reports, "The subscriber will give \$20 for the apprehension of his negro woman, Maria, who ran away about twelve months since... She is known to be lurking in or about Chuckatuch, in the county of Nansemond, where *she has a husband and formerly belonged*" (165). It is advertisements such as these that Weld uses to show that the public opinion of the South has an absolute indifference towards family ties between slaves. These examples persuade Weld's readers to believe that southern slaveholders willingly rip family members apart. In no way does white opinion protect slaves from the loss of loved ones.



Weld also discusses what the public opinion of the South reflects about southern attitudes to the young and to the old. Weld writes, “In the “Memphis (Tenn.) Gazette, May 2 1837, W. H. Montgomery advertises that he will sell at auction a boy aged 14, another aged 12, and a girl 10, to pay the debts of their deceased master” (168). Besides showing that even children are used as collateral for slaveholder debts, Weld shows that the young are just as easily committed to jail. Weld writes, “B.F. Chapman, Sheriff Nachitoches (La.) advertises in the *Herald* of May 17, 1837, that he has *committed to jail*, as a runaway a negro boy between 11 and 12 years of age” (168). In this same section Weld shows that the protection granted to children is also applied to the elderly.

The *Augusta Chronicle* reported, “Brought to *jail* a negro woman Sarah, she is about 60 or 65 *years old*” (168). In the *Savannah Georgian*, Weld shows that, “Mr. J. Cuyler, says he will give five dollars, to anyone who will catch and bring back to him Saman, *an old negro man, and gray, and has only one eye*” (168). The *Milledgeville Recorder* of Georgia reports, “A NEGRO MAN, has been lodged in the common jail of this county, who says his name is Jupiter...He has lost all his front teeth above and below—speaks very indistinctly, is very lame, so that he can hardly walk” (168). In this section Weld shows that even children and the elderly are treated with utmost disregard and are in no way protected by the public opinion of the South. Besides showing that in all stages of life slaves are unprotected, Weld uses evidence to document that even in death slaves are defamed and used by the public opinion of the South.

Weld quotes a prospectus of a South Carolina Medical College as stating:

Some advantages of a *peculiar* character are connected with this Institution, which it may be proper to point out...No place in the United States offers as great opportunities for the acquisition of anatomical knowledge, SUBJECTS BEING OBTAINED FROM AMONG THE

COLORED POPULATION IN SUFFICIENT NUMBER FOR EVERY PURPOSE, AND PROPER DISSECTIONS CARRIED ON WITHOUT OFFENDING ANY INDIVIDUALS IN THE COMMUNITY!! (169)

Weld prints this advertisement to show that even in death, slaves are valued only as property; whatever benefit can become of that property will be granted by the public opinion of white citizenry in the South. Weld writes, “‘Public opinion’ would tolerate surgical experiments, operations, processes, performed upon them (slaves), which it would execrate if performed upon their master or other whites” (170). By showing that even the corpses of human beings are acceptably used as guinea pigs within the South’s opinion, Weld persuades his readers to believe that they should reject the idea that public opinion in the South is a protection to slaves.

After systematically showing where different categories of public opinion in the South do not protect slaves, Weld engages the southern argument that only the lowest members of society treat their slaves cruelly, and that that abuse does not reflect the public opinion of the South’s highest society. To answer this argument Weld writes:

If the reader will be at the pains to review the testimony recorded on the foregoing pages he will find that a very large proportion of the atrocities detailed were committed, not by the most ignorant and lowest classes of society, but by persons of ‘property and standing,’ by masters and mistresses belonging to the *upper classes*, by persons in the learned professions, by civil, judicial, and military officers, by the *literati*, by the fashionable elite and persons of more than ordinary ‘respectability’ and *external* morality—large numbers of whom are professors of religion. (174)

After making this assertion, Weld uses the rest of his text to prove that all members of society in the South, even those of the upper classes, are so debased in their standing towards slaves, that they are guilty of atrocities towards humanity. To provide evidence for this argument, Weld uses the testimony of slaveholders.

One such use of evidence comes from Hon. Whitmarsh Seabrook, former Lieutenant Governor of South Carolina. In an essay on the management of slaves, the statesmen wrote, “I consider *imprisonment in the stocks at night*, with or without hard labor in the day, as a powerful auxiliary in the cause of *good* government... To the correctness of this opinion *many* can bear testimony... **Experience** has convinced **ME** that there is no punishment to which the slave looks with more *horror*” (175). By printing this quote Weld seeks to prove that even leading members of government in the South treat their slaves cruelly and that because of this, the public opinion of the highest society is just as hollow in guaranteeing the protection of slaves.

Weld uses an advertisement from the Florida *Herald* searching for a runaway slave named Ben. The print reads, “As I have traced him out in several places in town, I am certain he is harbored... This notice is given that I am determined, that whenever he is taken, *to punish him till he informs me* who has given him food and protection and *I shall apply the law of Judge Lynch to my own satisfaction*, on those concerned in his concealment... A. Watson” (175). After quoting this advertisement Weld offers the identity of A. Watson. Weld writes:

Now, who is this A. Watson, who proclaims through a newspaper, his determination to *put to the torture* this youth of eighteen, and to Lynch to his ‘satisfaction’ whoever has given a cup of cold water to the panting fugitive... Is he some low miscreant beneath public contempt... Nay, verily, he is a ‘gentleman of property and standing,’ one of the wealthiest planters and largest slaveholders in Florida. (175).

By first printing the advertisement and then identifying its author for his audience, Weld seeks to establish in his readers’ minds that even the first class society in the South openly prints documents that describe barbarous treatment towards slaves.

Weld even goes so far as to show that southern publications themselves are proof of the upper society's derogatory opinion of slaves. In a for sale advertisement for a female slave in the *Charleston Mercury*, the print reads, "She is VERY PROLIFIC IN HER GENERATING QUALITIES, *and affords a rare opportunity to any person who wishes to raise a family of strong and healthy servants for their own use...* Any person wishing to purchase will please leave their address at the Mercury office" (175). After printing the advertisement, Weld addresses the publication's influence in South Carolina. Weld writes, "The *Charleston Mercury*, in which this advertisement appears, is the *leading political paper in South Carolina*, and is well known to be the political organ of Messrs. Calhoun, Rhett, Pickens, and others of the most prominent politicians in the state...Its editor, John Stewart, Esq., is a lawyer of Charleston, and of a highly respectable family" (175). By showing that the leading political paper of South Carolina willingly prints an advertisement describing a human being as a breeder for servants, Weld refutes the idea that the highest classes of society hold a public opinion that protects slaves.

In the next section of this argument Weld shows that even Christian ministers are guilty of an immoral public opinion towards slaves. To illustrate this position, Weld uses the testimony of Rev. Daniel Southmayd, who stayed with a slaveholder and printed an observation where the master whipped his slave thirty times for staying out fifteen minutes past his curfew. The Reverend shares, "And who was this inhuman being calling God's property his own, and using it as he would not have dared to use a beast... You may say he was a tiger—one of the more wicked sort, and that we must not judge others by him...*He was a professor of that religion which will pour upon the willing slaveholder the retribution due to his sin*" (176-7). Weld uses this testimony to show that even

people who profess to possess a Christian heart are more than willing to torture the people they have forced into their care.

In speaking about a Presbyterian Minister and church where he stayed, Rev. Charles Renshaw relates, “The minister and all the church members held slaves...Some were treated kindly, others harshly...*There was not a shade of difference* between their slaves and those of their *infidel* neighbors, either in their physical, intellectual, or moral state: in some cases they would *suffer* in the comparison” (180). Again, Weld uses testimony from clergy that show that there is no religious or class difference in the South’s public opinion of slaves. According to Weld and his witnesses, southern public opinion is universally corrupt and offers anything but protection for slaves.

After establishing that the public opinion of clergy in the South is just as deplorable as that of overseers, Weld argues that the fact that Virginia serves as a slave breeder is an indication of the highest social class’s opinion towards slavery. During the antebellum era, Virginia was looked upon as one of the most prominent southern states in the country. Virginia was also one of the largest exporters of slaves to other slaveholding states.

To prove that the state of Virginia exports slaves for the benefit of their economy, Weld uses testimony from citizens of that state. In a speech before the legislature of that state, Mr. Ghoulson is quoted as saying, “It has always (perhaps erroneously) been considered by steady and old—fashioned people, that the owner of land has a reasonable right to its annual profits; the owner of orchards, to their annual fruits; the owner of *brood mares*, to their product, and the owner of *female slaves, to their increase*” (182). By using this quote, Weld seeks to prove that the public opinion of Virginia dictates that

female slaves are the same as any other crop of livestock. This opinion seeks to persuade Weld's readers to believe that even in Virginia, slaves are nothing but profit making things instead of human beings producing families.

In another speech before the legislature of Virginia, Thomas Randolph, former Governor of that state, is quoted as asserting of slaves that, "The exportation has *averaged* EIGHT THOUSAND FIVE HUNDRED for the last twenty years...Forty years ago, the whites exceeded the colored 25,000, the colored now exceed the whites 81,000; and these results too during an exportation of wear 260,000 slaves during the year 1790, now perhaps the fruitful progenitors of half a million in other states" (182). Through the use of these statistics, Weld seeks to show that the number of slaves in other states is a direct result of the exportation practices. It is therefore refuted that the northern southern states such as Virginia represent a higher public opinion of slaves then the most brutal of other slave state opinion.

Weld quotes a Professor Dew, who was the President of the University of William and Mary, in his *Review of the Debate in the Virginia Legislature, 1831-2*. The author states, "From all the information we can obtain, we have no hesitation in saying that upwards of six thousand (slaves) are yearly exported (from Virginia) to other states...*Virginia is, in fact, a negro--raising state for other states*" (182). By using testimony from a Professor and members of state government, Weld seeks to show that even the highest classes of society in one of the more prestigious southern states admit openly to the practice of slave exportation. Again, Weld denounces the idea that only certain states are guilty of atrocities and instead shows to his readers that everyone and everywhere associated with the practice is guilty of evil.

In the next response on public opinion, Weld argues that the recreational past time of southerners prove they are a debased society void of feelings towards living creatures. Weld asserts, “The FAVORITE AMUSEMENTS of slaveholders, like the gladiatorial shows of Rome and the Bull Fights of Spain, reveal a public feeling insensible to suffering, and a degree of brutality in the highest degree revolting to every truly noble mind... One of their most common amusements is cock fighting” (186). To prove that southerners engage in this practice, Weld uses newspaper accounts from the South. In an advertisement of the *Raleigh Register* of North Carolina, the print reads, “**CATHAM AGAISNT NASH**, or any other county in the State... I am authorized to take a bet of any amount that may be offered, to **FIGHT A MAIN OF COCKS**, at any place that may be agreed upon by the parties—to be fought the ensuing spring” (186). To describe the particulars of this practice for his readers, Weld uses an advertisement from the *Richmond Whig* of Virginia that sets the scene of one challenge. The print reads:

The *regular* fighting will be continued *three days*, and from the large number of *game uns* on both sides and in the adjacent country, will be prolonged no doubt a *fourth*. . . To prevent confusion and promote ‘sport,’ the Pit will be enclosed and furnished with *seats*, so that those having a curiosity to witness a species of diversion originating in a better day (for they had no rag money then,) can have *that* very *natural* feeling gratified. (186)

In printing these two examples, Weld seeks to show that a society that openly promotes cock fighting is incapable of feeling for animals and in turn, the slaves that they treat as chattel. Weld uses the cock-fighting example to establish that the same public opinion of the South that chooses this past time for amusement is barbarous and therefore, the reader should reject the idea that this type of opinion promotes protection towards slaves.

In the last part of his refutation in the final objection, Weld argues that the brutal actions of slaveholders towards one another, proves that they habitually treat their slaves cruelly. Weld writes, “Further the *inhumanity* of a slaveholding ‘public opinion’ toward slaves, follows legitimately from the downright ruffianism of the slaveholding *spirit* in the ‘highest class of society’” (184). To exemplify the debased nature of this spirit, Weld recounts the actions made by members of the national Congress.

Weld writes, “Within the last three years some of the most prominent slaveholding members of the House, and among them the last speaker, have struck and kicked, and throttled, and seized each other by the hair, and with their fists, pummeled each other’s faces, on the floor of Congress” (184). To prove this assertion, Weld uses newspaper accounts that speak to the bizarre incidents made by members of the government.

One newspaper account comes from the Huntsville *Democrat* of Alabama. The newspaper article relates the story of members Campbell and Maury of Tennessee getting into a physical fight after an adjournment of one of the sessions in Congress. The article reads, “Mr. Maury is said to be badly hurt...He was near losing his life by being knocked through the window; but his adversary, it is said, saved him by clutching the hair of his head with his left hand, while he struck him with the right” (184). The same Huntsville *Democrat* relates another story from a fight between Bell and Turney of Tennessee on the floor in the House of Representatives. The excerpt reads, “At the same moment both gentlemen were perceived in personal conflict, and blows with the fist were by each at the other...Several members interfered, and suppressed the personal violence; others called order, order and some called for the interference of the Speaker” (185). In another



story offered by the New York *Gazette*, the article reads, “The House was much agitated last night by the passage between Mr. Biddle of Pittsburgh, and Mr. Downing, of Florida... Mr. D exclaimed “do you impute falsehood to me!” at the same time catching up some missile and making a demonstration to advance upon Mr. Biddle... Mr. Biddle repeated his accusation, and meanwhile, Mr. Downing was arrested by many members” (185). After offering these newspaper accounts as evidence, Weld makes the connection for his readers.

Weld asserts, “Who are Messrs. Campbell and Maury... Both slaveholders... Who are Messrs. Bell and Turney... Both slaveholders... Who is Mr. Downing, who seized a weapon and rushed upon Mr. Biddle... A slaveholder” (185). In relating these stories to his readers, Weld seeks to establish that because slavery grants to slaveholders’ arbitrary power over human beings, they will go so far as to wield that power over one another, much less the slaves themselves. Weld asserts of slaveholders that, “Their savage ferocity toward each other when their passions are up, is the natural result of their habit of daily plundering and oppressing the slave” (185). Weld seeks to show that the argument which professes protection of slaves by the public opinion of the South is implausible because even those members of society which frame that opinion in the form of law are guilty of behavior deemed deplorable by other more clear headed citizens. In the closing argument of his text, Weld points out to his readers that, “Surely it need not be added, that those who thus tread down their equals, must trample as in a wine—press their defenceless vassals... If, when in passion, they seize those who are *on their own level*, and dash them under their feet, with what a crushing vengeance will they leap upon those who are *always* under their feet” (210). By offering the accounts of the “highest

members” of society’s actions towards one another, Weld seeks to establish that southerners have a general tendency towards physical confrontation as a means of obtaining and wielding power. This being the case, slaves are in no way protected by public opinion in the South because they are constantly under the thumb of anyone wanting to abuse that power as a means of maintaining control of their victims.

This analysis of Weld’s refutations affirms that Weld upholds his burden as prosecutor in the final stasis of argument provided in the Hermagorian system. He upholds this burden by offering the objections used in the defense of slavery and then shows why they are fallacious in defending the institution that Weld puts on trial. By devoting an entire section of his tract to this task, Weld uses the stasis of objection as one of the crucial stands of argument between himself and slaveholders.

This stasis is crucial to Weld’s case because in any given trial opposed positions are possible for any given argument. Acknowledging that his audience had heard some of the arguments held by slaveholders, Weld finds it necessary to refute them. Instead of not addressing these arguments at all, Weld takes them on directly, showing that they lack logic. By doing this, Weld answers any questions that his jurors may be pondering in relation to their understanding of the South’s arguments. Weld’s objection section concludes his tract and my point of interpretation in this chapter. In the next chapter of this study I discuss the importance of all four stases in making conclusions and recommendations for research based upon my findings in this study.

## Chapter V. Conclusions

Before addressing the significance of Weld's use of the judicial motif in Slavery As It Is, it is important to place this argument with regard to its potential audiences during the 19<sup>th</sup> century abolitionist movement. As it has already been asserted in chapter one of this study, Weld's use of the judicial motif exemplified a change in the rhetorical strategy of the abolitionist movement. Whereas the first part of the movement used moral suasion to evangelize both the North and South, the judicial theme of Weld's tract does not. The rhetorical strategy marked by judicial language is constructed by Weld to persuade the ambivalent northern audience in the later half of the 1830's that the system of slavery should be abolished due to its lawlessness. A number of events during this time period called for such a strategy.

According to Sorin, "In the early days of the abolitionist crusade, the 1820's and early 1830's, the abolitionist attack on slavery was innocuous... Yet the slaveholders' response was virulent and frenzied, for they were still uneasy and defensive about their peculiar institution despite their highly developed racist rationale and their insistence that it was a 'necessary evil'" (121). Despite the ambivalence from the northern audience, a number of lawless actions enacted by defenders of slavery created a backlash that would directly benefit the abolitionist cause.

One source of lawlessness during the 1830's was mob violence towards abolitionist orators. According to Nye, "Though isolated cases of mob action occurred

before 1833, the development of the mob as a means of suppressing abolitionism reached its climax during the period 1833-40" (177). During this time period Weld had first hand experiences of mob violence when he was physically attacked while working as an abolitionist orator.

Sherwin writes of Weld that, "On his journeys he met with uproars, insults, and at last with rotten eggs and filth, a kind of treatment which only increased his fervor...He was the most mobbed man in the United States" (81). Besides increasing his own resiliency, Weld recognized the importance of mob violence in relation to his audience. Oliver writes, "But all this Weld welcomed; for as he assured his band of speakers, these very excesses of attack were essential to the arousal of public opinion in their behalf...Better martyrdom than indifference" (244). Pease and Pease note of the abolitionists that, "To defend the Negro in court, to speak on his behalf before hostile audiences, to be harried from town after town by the frenzied mob was the stuff of which martyrdom was made" ("Ambivalence" 633). Other abolitionists described the benefits of mob violence in relation to their audiences. Elizur Wright noted to Weld in 1833 in response to one particular mob that, "Who would of (*sic*) thought that a *benevolent* Society of the *nineteenth* century would endorse the doctrines of the "Clinton Hall" mob...Such is the astounding fact...It has awakened *some* from their delusion...I trust we may soon say *some thousand*" (Barnes and Dumond 1: 119). Here we see an abolitionist recognizing that mob violence actually created more support and "awakened" ambivalence from those members of society who were complacent before the lawlessness occurred. In another letter from Wright to Weld in 1835, the abolitionist asserts, "Let us labor in *hope*...The cause is now placed beyond all doubt...Who of us could have

devised such powerful and admirable agencies as the Providence of God has lately developed,--and all from the modest wrath of man” (Barnes and Dumond 1: 232).

Wright affirms that the vicious actions of mobs actually benefited the cause they tried to destroy.

Walters writes of mob violence that, “Although fierce, efforts to stop antislavery agitation probably were more effective in making converts than in slowing down the crusade” (85). These converts were usually responding to a threat to their civil liberties and not necessarily out of sympathy towards the abolitionist message itself. In the case of mob violence towards orators, the biggest threat was towards an individual’s right of free speech. Sorin writes, “If it was necessary to defend the peculiar institution with violence and the repression of civil liberties, slavery could be seen as a threat to the quality of American life” (130). It can be inferred that because of the repression of free speech through the use of mob violence, the abolitionist movement gained momentum and acceptance from those who were once ambivalent to the abolitionist cause.

Besides threatening the civil liberty of freedom of speech, the actions of slavery defenders affected the freedom of press as well. Sorin notes, “In 1835 the abolitionists mounted a postal campaign to advertise their principles and goals... By the end of July, 175,000 pieces of abolitionist literature has passed through the New York post office alone... These included newspapers, pamphlets, and tracts, some especially designed for children” (130). The dissemination of abolitionist literature met vigorous opposition in the South. According to Walters, “The American Anti-Slavery Society’s postal campaign of 1835, for instance, prompted a mob in Charleston, South Carolina, to break into the post office to steal, and later burn, antislavery publications” (84). Instead of

punishing these actions, government officials introduced legislation that would sanction the suppression of abolitionist publications.

In 1835 President Andrew Jackson went before Congress to call for suppressive legislation. According to Savage, “The President asked that a law be passed which would make it a crime to circulate through the mail incendiary publications with the purpose of inciting slaves to insurrection... Peace could not be brought about, he urged, unless Congress passed some law to suppress these papers” (62). Both the House and Senate introduced legislation for this suppression, and in both the bills were defeated. The debate in government had a positive effect upon the abolitionist cause.

According to Sorin, “The mail—censorship episode created few real abolitionists—i.e., men and women concerned with the victimization of black people... But it was another factor in building support at least for limitation of the slave power” (131). This support came in the form of former ambivalent citizens who recognized that slavery supporters were infringing on their own freedom of press. The Dayton, Ohio, *Republican* observed, “The next step will be to stop the circulation of all... papers... opposed to the administration... This done, and their censorship fairly established, we will become the *white* slaves of the masters of the black slaves of the South” (Sorin 131). Increasingly the white northern press recognized that the South’s lawless disregard for the freedom of the press threatened the civil liberties enjoyed by the entire country.

Besides printing publications that denounced slavery, abolitionists mounted a petition campaign to members of government that called for the end of slavery in the United States. As a result of this campaign, southern legislators rushed to stop the free

discussion of antislavery by members of government. On May 26, 1836, the first “gag rule” was adopted by Congress that forbade any real discussion of slavery because it tabled anything related to the southern institution (Nye 45). Former President John Quincy Adams led the fight to repeal the legislation. Adams asserted that the rule represented, “a direct violation of the Constitution of the United States, of the rules of the House, and the rights of my constituents” (Nye 46). It was the rights of the constituents that had formerly ambivalent members of society in an uproar. With the help of Weld, Adams successfully defeated the gag rule under the anthem of freedom of petition in Congress (Aptheker 24). The abolitionists also successfully linked this debate with the role of freedom of speech for their audience. Aptheker notes, “That crusade was of great consequence in expanding the influence of Abolitionism, for it persuaded many that slavery’s security seemed to require their own freedom’s vitiation” (24). By linking the right of petition and freedom of speech to their cause, the abolitionists in the late 1830’s firmly established with their audience that because of slavery, their own freedoms were in jeopardy.

As a result of civil liberty censorship, the abolitionist movement in the later half of the 1830’s gained more acceptance and support from a formerly complacent northern audience. Stewart asserts, “It was obvious to abolitionists as it has been to later scholars that many northerners became sympathetic to the cause because of southern threats to civil liberties and because of the increasing influence of the slave states in national councils” (302). The influence upon the abolitionist movement during this time period was profound. According to Sorin, “Between 1836 and 1838, the worst years of anti—abolitionist violence and other repressive activity, 412,000 people signed petitions to end

the interstate slave trade and to abolish in Washington, D.C.” (130). As a result of the South’s lawless reaction to abolitionism, the movement gained favor in the eyes of the northern audience. Although the abolitionist movement was gaining favor during this time period, there were very distinct differences between Weld’s northern rhetorical audiences.

Two main audiences within this group were the abolitionist agents themselves and those once ambivalent members of society who were antislavery sympathizers, but not actual activists. According to Kraditor, “The differences between that “antislavery” multitude and the abolitionists were first, that the abolitionists saw slavery as a sin, and second, that they asserted the equality of the races” (243). That slavery was a sin in the eyes of God was an inherent belief in the hearts of the abolitionists. This belief helped formulate the moral suasion ideology of the abolitionists. They used it to argue to both the North and South that the country should immediately abolish slavery.

The abolitionist Elizur Wright reflects this ideology when he wrote in his pamphlet, The Sin of Slavery and its Remedy; Containing Some Reflections on the Moral Influence of American Colonization, that, “Under the government of God, as exhibited in this world, there is but one remedy for sin and that is available only by a *repentance*, evidenced by reformation...it is not only to be renounced, but the very occasions of it are to be avoided at whatever sacrifice” (Ruchames 59). To the abolitionist agents slavery was a sin, and like any other, it must be admitted and dealt away with immediately. Abolitionists called for immediate emancipation and not gradual colonization because of this ideology. Besides using moral suasion as a means of evangelizing to multiple audiences, the abolitionists took comfort in the belief system for themselves. The belief



system functioned as a way in which abolitionists could assure one another that their cause was linked to divinity, further strengthening their cause and servitude.

Another ideology of the abolitionists was that blacks were equal to whites, which contributed to their cry for immediate emancipation. According to Kraditor, “In fact, their slogan of immediate and unconditional emancipation ought itself to be understood as, among other things, an assertion of the equality of the races... White-supremacist Northerners at the time understood this better than modern historians who have assumed that the slogan represented a naïve call for a revolutionary transformation they thought could come in the near future” (243). Abolitionists believed that like themselves, slaves were human beings and capable of equality in all its virtues. They would argue that agents such as Frederick Douglass and Charles Lenox Remond demonstrated this equality despite not having the luxury of a formal education (Kraditor 236-7). So in this first rhetorical audience we see a group of devoted agents who called for the immediate and unconditional abolition of slavery. This call arose from the ideology that slavery was a sin and that the races were equal and both belonged to humanity. These characteristics contrasted sharply with Weld’s second major rhetorical audience of the northern majority citizenry.

Although northern antislavery sympathizers felt something should be done about slavery, many believed that because it was not their sin, it was not their place to call for its immediate termination. Instead, many subscribed to the belief that the institution of slavery should be abolished gradually. Using this ideology, the American Colonization Society was formed and gained favor. According to Thomas, “it won a large following of intelligent liberals both North and South, and many persons—among them Abraham

Lincoln until late in his career—thought that colonization offered the most practical solution to the race problem” (67). Many antislavery sympathizers felt this the best course of action because it supported their belief that the inferior race should be transported back to where it originated.

Kraditor notes, “Most Northerners...were opposed at the same time to slavery and to race equality and therefore supported the American Colonization Society” (242). The abolitionist Nathaniel P. Rogers blamed this condition on “color—phobia.” He states of this condition that, “In short, it abhors slavery in the abstract—wishes it might be done away, but denies the right of any body or any thing to devise its overthrow, but slavery itself and slaveholders” (Pease and Pease, Argument 319). In this second rhetorical audience we see a very different set of ideologies than that of the abolitionists themselves. Although antislavery sympathizers in the North felt something should be done about slavery, many believed it was not their place to do so. Therefore, many thought that the South itself should rid itself of its sin by gradually emancipating their slaves to avoid legal problems between the states. Moreover, many sympathizers had their own racist prejudices in not wanting to immediately combine two races as equals into the general population.

It was these two separate audiences, abolitionists and antislavery sympathizers, that Weld had to keep in mind when constructing Slavery As It Is. The rhetorical task given to Weld was to adhere to the principles recognized and practiced by his movement, while also trying to convert sympathizers into activists. Kraditor states, “the twin tasks of refreshing the commitment of abolitionists and of converting outsiders’ passive disapproval of slavery into active opposition differed only in emphasis, especially after

the movement had grown from a handful of pioneers into a network of societies with thousands of members” (236). Kraditor suggests that this two-fold function of the abolitionist message was accomplished through empathy, a theme that, “appears repeatedly in abolitionists’ private discourse and public propaganda, in exhortations among themselves to increase their zeal and in efforts to induce complacent whites to imagine themselves in the place of the slaves” (237). Clark echoes this argument when she writes, “Thus, sympathy—a term that in the nineteenth century encompassed empathy as well—became a common construct across a wide spectrum of antislavery rhetoric... In antebellum thought, sympathy was a complex process in which the observer’s willed attentiveness to another’s suffering gave rise to an intuitive empathic identification with the other’s experience” (476). As it has already been asserted, the abolitionist movement gained favor in the eyes of former ambivalent northerners when they saw themselves as victims of slavery. These crimes came in the form of the degradation of their civil liberties.

This fact was not lost on the abolitionists, and they exploited it to create empathy for the slaves of the South. In a letter from the abolitionist Francis Jackson to Samuel May, dated 1835, the agent wrote, “Happily, one point seems already to be gaining universal assent, that slavery cannot long survive free discussion... Hence the efforts of the friends and apologists of slavery to break down this right... And hence, the immense stake, which the enemies of slavery hold in behalf of freedom and mankind, in its preservation... The contest is therefore substantially between liberty and slavery” (Ruchames 120). Once antislavery sympathizers recognized that their own freedoms of liberty were in danger, they could both sympathize with, and directly identify themselves

as, victims of the southern slaveholding system. Clark notes of abolitionist rhetoric that “tracts and speeches instructed readers and listeners to imagine that they were being whipped or to imagine that their children were standing on the auction block... Such exercises depended on and fostered strong identification with the slave’s presumed response” (479). This fact was not lost upon Weld and in 1839 he published Slavery As It Is.

Weld’s use of the judicial motif provides a natural bridge between his fellow abolitionists and antislavery sympathizers. For the former, Weld’s tract provided an encyclopedia of facts from which they could prove their accusations. Clark asserts, “The importance of firsthand testimony was twofold: it avoided hearsay and fulfilled the evangelical desire to hear of things close to the heart... In the evangelical framework, the measure of authenticity lay in the feelings, not the intellect; the most striking oral and written testimony was the eyewitness account, which put the reader as close as possible to the slave’s pain” (467). In publishing his tract, Weld provided one more source of information that furthered the resolve of his fellow abolitionists.

The work also speaks to persuade antislavery sympathizers to identify with the slaves. Clark argues that in the antebellum era, “compassionate identification with others played a positive role, forming conduits for arguments about the extension of individual rights to suffering others... The spare liberal notion of bodily autonomy made its way into the courts cloaked in sentimental garb” (486). By showing countless atrocities suffered by slaves through the abuse of arbitrary power, Weld persuades his rhetorical audience to identify with the slaves’ suffering. Clark states, “But abolitionists also shared a core belief that the whipping of slaves by masters represented an indefensible exercise of

arbitrary authority and that representations of such events should provoke a sympathetic response from right-thinking Christians” (465). By persuading his audience to sympathize with the slaves’ physical suffering, Weld urges his audience to recognize and to identify the slaves as members of humanity.

According to Clark, “The antebellum campaign to establish slaves as fully sentient beings with God-given physical sensibilities provided a refurbished vehicle for a philosophy of universalism—and so potentially for universal entitlement” (474). Weld provides a tract for his audiences to identify with slaves because of their suffering by arbitrary power. Clark argues, “In the case of slavery, it was the intensely individual experience of suffering—experienced by the highborn and lowborn alike—and its demand for attention that conferred equality” (475). The abolitionists wished to persuade their audiences to feel the same type of sympathy towards slaves that they were already granting to the poor both at home and abroad. Weld’s tract provided antislavery sympathizers a way to see why the call for immediate emancipation was justified. Once these sympathizers could directly identify with the slaves’ suffering, they could overcome the racist ideology that blacks were inferior because those sufferings could be seen as general to humanity.

Having established the relevant beliefs of Weld’s audiences during the later half of the 1830’s, it is now important to address what the judicial motif in Slavery As It Is accomplishes rhetorically, i.e., what the artifact does to align relevant means of persuasion with its potential audiences.

The first goal Weld achieves is to establish his audience as jurors. In chapter one of this study I referred to a passage by Weld where he asks specifically for his readers to

acts as jurors. I have also shown that this type of judicial language is consistent throughout the text. Weld asks this jury to identify with slaves directly. In the introduction of Slavery As It Is Weld writes:

We repeat it, every man knows that slavery is a curse... Whoever denies this, his lips libel his heart... Try him; clank the chains in his ears, and tell him they are for *him*... Give him an hour to prepare his wife and children for a life of slavery... Bid him make haste and get ready their necks for the yoke, and their wrists for the coffle chains, then you have *nature's* testimony against slavery. (7)

Here Weld forces the northern audience to identify directly with the lives suffered by slaves. In so doing, Weld has his readers look at slaves as members of humanity with the same basic natural rights as any other human. After readers establish slaves as members of humanity, Weld asks the jurors to take seriously their roles, and judge slavery on the basis of its crimes against human nature and its abuses of arbitrary power.

By having his readers think about themselves as a slave or their loved ones as slaves, Weld effectively utilizes sympathy to forge identification between the reader and the victims of slavery. This strategy directly plays upon the emotions of the audience as jury. Although this rhetorical strategy is effective in establishing sympathy, Weld recognizes that this sympathy does not suffice to establish his argument factually for his jurors. He supports this argument with a vast amount of evidence to establish this factual ground. This emphasis of fact is consistent with Aristotle's view in the Rhetoric of the relation between pathos and logos. According to Aristotle, "The arousing of prejudice, pity, anger, and similar emotions has nothing to do with the essential facts, but is merely a personal appeal to the man who is judging the case" (20). Aristotle recognized that logic, not emotion, was essential to persuade a judge to reason justly. He wrote, "It is not right to pervert the judge by moving him to anger or envy or pity—one might as well

warp a carpenter's rule before using it" (20). Weld's use of the judicial motif recognizes this point. After asking his audience to act as jurors and to sympathize with the slaves' plight, Weld spends the rest of his time providing claims and evidence to prove his case.

The use of evidence and testimony is essential to the effectiveness of the judicial motif. Many individuals among Weld's audience were cognizant of the emotional messages of abolitionists during the time period, and because of this, Weld needed more concrete evidence to prove his judicial theme. This is why we see Weld spending such a great amount of time corroborating the credence of witnesses and origins of evidence. Weld's corroboration speaks directly to his jurors' sense of logic and reason. By focusing upon his jurors' sense of logic, Weld's judicial motif accomplishes the need for fact in forensic argument.

Weld's use of the judicial motif justifies the Hermagorian system of stasis as a tool for criticism. In any judicial case, there are different questions that need to be addressed. These questions become arguments when a defense and prosecution agree on the crucial stands of their particular case. When the rhetorical critic follows the Hermagorian system of stasis step by step, it is possible to find out which stands are the most crucial to the case being analyzed.

Such is the case with the analysis done here of Weld's judicial motif in Slavery As It Is. In the first stasis of conjecture the question arises, does a crime exist? Within this first stasis I have shown that Weld demonstrates that slavery results when individuals are motivated by absolute arbitrary power. Not only does Weld prove that slavery exists, he also argues its extensive scope and the audacious nature by which it is manifested. Although these points were addressed in the first stasis, the main question of conjecture is

not as applicable to an analysis of Weld's text because the first stasis is not as crucial to other points of argument.

The second stasis is one of definition. After establishing that a crime occurred, this stasis asks what it should be labeled. Within this second stasis I have shown that the South offered the justifications of "necessary evil" and "positive good" in linking their way of life to the institution of slavery. Weld rejects these justifications and establishes his own account of slavery to be a thirst for absolute power over others. Once this power is obtained, Weld argues that it is abused. By establishing the motive and definition of slavery to be an abuse of arbitrary power, Weld satisfies his jurors' desire for a label of the crime that they are asked to judge. Although the definition of the crime is necessary, as I have shown Weld does not spend much time arguing it in his test. Instead, Weld spends the most time and effort as his role as prosecutor in establishing his side of the third and fourth stases.

The third stasis is quality, which establishes the nature of the crime. Within this stasis I have shown that Weld argues that human nature is against slavery, and therefore slavery should be abolished. Weld provides extensive use of testimony and newspaper advertisements to prove that the qualitative aspects of slaves' lives are deplorable. By providing extensive narratives and a systematic categorization of the slaves' day to day existence, Weld urges his audience to call for a humanitarian end to slavery.

Rhetorically, Weld's use of the judicial motif mixes both emotion and logic to persuade his readers to find slavery guilty of crimes against humanity. The emotive qualities of Weld's rhetoric force the reader to sympathize with slaves because of the atrocities they are forced to suffer. Not only does this audience sympathize, they too



suffer vicariously for the slaves themselves. By providing graphic examples in his text, Weld creates a way of knowing the atrocities of slavery for his audience. This is true of an epistemological description of rhetoric. This view describes rhetoric as a way of knowing. According to Scott, "Insofar as we can say that there is truth in human affairs, it is in time; it can be the result of a process of interaction at a given moment... Thus rhetoric may be viewed not as a matter of giving effectiveness to truth but as creating truth" (13). In the case of Weld's rhetoric, truth is created for his audiences by supplying them a means to suffer with slaves. According to Clark, "Abolitionists also strove to make their language as vivid as possible, fostering in audiences the feeling that a direct line of physical sensation linked them to the slave... Readers and listeners could then judge the morality of slavery by their own subjective responses to the physical and moral degradation inherent in the system" (481). Weld's use of vivid language forces the reader to become victimized vicariously by the atrocities of slavery. By providing this epistemological use of rhetoric, Weld creates the truth with his audience that slavery is evil and should be abolished.

Logically, Weld proves his case to the juror by providing the background of each narrator and place of publication for every newspaper example. This effectively creates more horror for his audience because the evidence can no longer be seen as fictitious. Instead, it is shown to be fact, which strengthens Weld's argumentative credibility. By combining both emotion and logic within the third stasis, Weld effectively uses the nature of slavery as one of the main points of clash between himself and his dissenters. Weld's use of the quality argument presents an effective way for his northern audience to relate

with slaves and their suffering as humans, while at the same time logically providing them enough hard evidence to condemn the institution.

The last stasis, objection, asks the question whether or not a legal charge has followed proper procedure. Weld uses the objection stasis to answer the question whether abolitionists are justified in condemning slavery. In all, Weld answers seven commonly held objections used by slavery defenders. In each one of his rebuttals Weld first describes the objection and then refutes it based upon its lack of logic. He then provides evidence to substantiate his argument within each objection. Weld devotes an entire section of his tract for this task, finding it necessary to show how slaveholders hope to succeed in arguing their case. In doing so, Weld uses the stasis of objection as one of the crucial stands of argument between himself and slaveholders.

This stasis is crucial to the judicial motif because in any given legal case opposed positions are possible to any given argument. Knowing that his audience had heard some of the arguments held by slaveholders, Weld finds it necessary to refute them. Weld effectively utilizes the stasis of objection to further strengthen his case. Instead of sidestepping the South's arguments, Weld takes them on directly, showing they are fallacious in nature. Weld does this to acknowledge his jurors' knowledge of the other side of the argument instead of not addressing it at all. By doing this, Weld answers any questions that his jurors may be pondering in relation to their interpretation of the South's arguments.

The Hermagorian system of stasis has shown that although each one is applicable to an analysis of Weld's judicial tract, the stases of quality and objection are the most fruitful in establishing the effectiveness of Weld's rhetoric. By combining both emotion

and logic for his jurors, Weld accomplishes his role as prosecutor in the case. He does this by persuading his readers to identify both themselves and slaves as members of humanity. Both are victims when it comes to the crimes sanctioned by slavery in the South. Once his jurors act in accordance to the judicial motif as members of humanity and see the slaves in the same light, they are forced to bring back a just verdict of guilty because slavery is against the very essence of humanity itself.

By judicial motif I mean a use of rhetoric where a rhetor acts as prosecutor of defender to potential audiences in persuading the legality of an institution that is recognized as legitimate by society. Instead of acting as listeners or readers, the potential audiences of this rhetoric are asked to act as jurors. These jurors are asked to decide whether or not an institution should be merited by the society that they live in. The use of the judicial motif may be at any time but it is of particular importance during social movements where a group of dissenters take on the legality of the institution supported by the status quo. The methods used by the practitioner of the judicial motif are similar to that of any courtroom. That is, the prosecutor or defender combines both reason and emotion to construct an argument that relies upon evidence to prove their case. My research has shown that Weld uses this judicial motif to construct a case against the legality of slavery. Although my analysis has reaped benefits based upon this conclusion, there have been limitations to my research.

One such limitation has been the lack of primary sources regarding Weld and his rhetoric in Slavery As It Is. Although I have been able to gather information from original letters and manuscripts, more contemporaneous documents that discuss Weld's tract would be beneficial in analyzing the rhetorical implications of his tract. Also, it

would have been fruitful to compare Weld's text with other speeches and texts during the time period. I believe such a comparison would provide more information in regards to the use of the judicial motif and its effectiveness in persuading the antebellum audiences of the 19<sup>th</sup> century. Although there have been limitations to my research, much can be gained in areas of future research in the area of rhetorical criticism based upon my findings.

I would recommend to students of rhetorical criticism to find other artifacts that use the judicial motif and analyze them using the Hermagorian system of stasis. I believe such studies would enhance our understanding of what role judicial language has in social movement rhetoric. An analysis of judicial motifs based upon the Hermagorian system of stasis may show us which points of clash are the most crucial during these movements, further benefiting our rhetorical knowledge of these important time periods. A study of these artifacts using this system of analysis has yet to be undertaken.

Representing suffering through the judicial motif leads to an inference that since slavery is an abuse of arbitrary power against humanity, it is a crime to all persons, including antislavery sympathizers. Those open to this inference can possibly identify with slaves because slaves are human, and the sufferings slaves must endure represent the sufferings open to anyone subjected to arbitrary power. Later in his life Weld writes of slavery:

Today its onslaught is not only upon these (slaves), but upon all who claim that human nature has rights, an onslaught with fire & sword, upon all within its reach who demand for innocence the protection of law, an uprising against all free government, free speech, free schools, equal laws & civilization itself... This vast... persecution the most gigantic & infernal of all, is a persecution waged by the enemies of the human race, against all its friends & those who tolerate them; against all who claim that among the inalienable rights of that race, are life, liberty, & the pursuit of

happiness, &, that, among the inalienable duties of that race, is the sacred one of denouncing and branding with infamy the miscreants who trample those rights. ("Cost" 40).

Weld provides a way to confirm this denunciation through his use of judicial language.

Weld writes of reform that, "Reform first strikes at outward acts, conventional mechanisms, the shell & crust of things, the bark, not the sap that makes it, effects, not the causes that compel them" ("Reform" 7). By striking at the conventional mechanism of slavery's legality, Weld accomplishes this goal. This strategy was also utilized by the American Anti-Slavery Society. According to Barnes, "Its first concern was not the abolition of slavery; it was "the duty of rebuke which every inhabitant of the Free States owes to every slaveholder"...Denunciation of the evil came first; reform of the evil was incidental to that primary obligation" (25). By persuading his audience through the use of judicial language that slavery should be denounced because it is a crime against humanity, Weld provides a tract that persuades sympathizers to identify with, and act for, the slaves of the South.

In aligning the liberties of whites and blacks, Weld erases the color barrier as pertinent at all in judging the impact of crimes against humanity. The human race is trampled upon when slavery is a legal institution in the United States. In Slavery As It Is, Weld articulates that because we are all victims of slavery, both abolitionists and antislavery sympathizers should denounce it and call for its immediate abolition.

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